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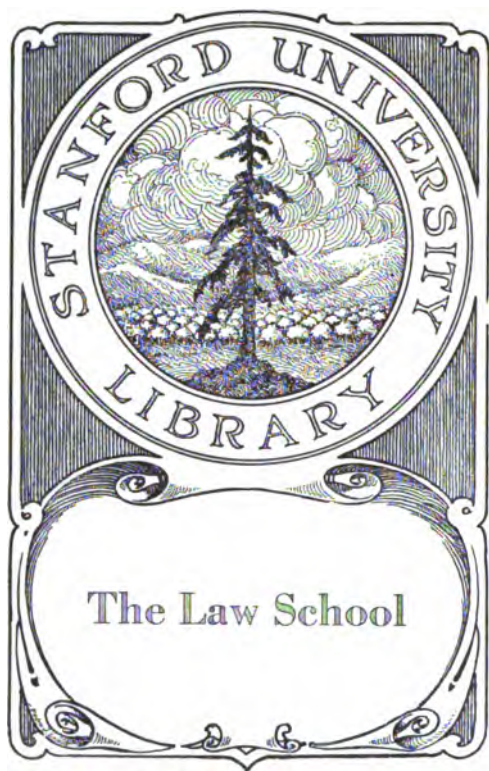
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Henry James Hall

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A C T S
OF THE
SIXTY-SIXTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-SIXTH DAY OF OCTOBER,
EIGHTEEN HUNDRED AND FORTY-ONE.

Being the First Sitting.



SOMERVILLE :

PRINTED BY S. L. B. BALDWIN.

1842.

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REARL GROMAT2

ACTS
OF THE
SIXTY-SIXTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT to provide for the assessment and collection of taxes in the township of Newton, in the county of Sussex, for the year A. D. eighteen hundred and forty-one.

WHEREAS John Brodrick, the present assessor of the township of Newton, in the county of Sussex, by reason of ill-health, *Preamble* has omitted to make an assessment and duplicate of the taxes of said township for the present year—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the township clerk of the said township of Newton, immediately after the passage of this act, shall convene together the township committee at the place of holding their last township meeting, by giving five days notice to each, and that the said committee shall meet at the place and time appointed in such notice, and a majority of them when met, are hereby authorized and directed to appoint, under their hands, some fit person of the said township assessor for the said township, in the stead of the present assessor; and the said committee shall cause the certificate of their appointment to be delivered immediately thereafter to the person so appointed, and shall transmit a copy of said certificate to the clerk of the court of common pleas of said county, to be by him filed in his office.

Township Committee to appoint Assessor.

Affairs of in- insure, in, or with the said company, shall be deemed and
corporation to taken as members of the said corporation, and that the property
be managed and concerns of the said corporation shall be conducted and
by nine direc- managed by nine directors, all of whom shall be citizens of
tors. this State and shall not hold a like office or agency in any other

Time & mode are chosen, and that the election for directors shall be held, on
of the annual the first Monday in January in every year, at the office of the
election of di- company, or such other place as a majority of the directors
rectors. may previously designate, public notice of which shall be given

First directors by the Secretary, in one or more newspapers, printed in the
 county, at least two weeks previous to the time of holding said
 election, and if any of the said Directors shall die, refuse to
 serve, or neglect to act, in their said office, for the space of six
 months successively, then, and in every such case, the remain-
 ing Directors shall have power to fill such vacancy or vacancies
 until the time of the next annual election, and in case it should
 so happen that an election of Directors should not be held on
 the day, when pursuant to this act, it ought to have been held,
 the said corporation shall not for that cause be dissolved, but it
 shall and may be lawful on any other day to hold an election
 for directors, and until an election for directors shall be held
 according to the provisions of this section, the following persons
 shall be directors, namely : Isaac Dennis, Harvey Hallock,
 Jacob Armstrong, Archibald Ayres, John Schmuck, Peter B.
 Shafer, Abraham Wildrick, Israel Swayze, and William Lan-
 terman.

Sec. 3. And be it enacted, That it shall and may be lawful
 for the said corporation to insure their respective dwelling-
 houses, stores, shops, mills and other buildings, together with
 household furniture, merchandise and all other personal prop-
 erty against loss or damage by fire.

Sec. 4. And be it enacted, That the Directors, for the time
 being, or a majority of them, shall have power to make such
 by-laws, rules and regulations as to them shall appear needful
 and proper for the management and disposition of the stock,
Powers of di- property, estate and effects of the said corporation and for all
rectors. such other matters as appertain to the business thereof, and
 shall have power to appoint a secretary, surveyor or surveyors,
 and such additional officers, clerks and servants, for carrying on
 the business of said corporation, with such allowance as to
 them shall appear satisfactory, provided, that such by-laws,
 rules, and regulations shall not be repugnant to the constitution
 or laws of the United States, or of this State.

Sec. 5. And be it enacted, That at the first meeting of the
 Directors, held after the annual meeting of members in each

year, the directors shall choose from among themselves one person for President, who shall continue in office for one year, and until another shall be appointed in his place. They shall also elect a Treasurer, and require him to give bond to the company, for the faithful performance of his duty, for such sum as to them shall appear sufficient and satisfactory.

Officers to be appointed by directors.

Sec. 6. *And be it enacted*, That all policies of insurance which shall be made by the said corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained to a greater amount than they have funds of stock to discharge, in such cases the directors for the time being, shall with all convenient expedition, proceed to assess such deficiency, in a ratable proportion on the members of the association, or their representatives, according to the amount of each member's insurance; which rates or assessment when approved of by a majority of the whole number of directors, and notice in writing be given to each member, or his or her lawful representative, and each member or his or her representative, so notified, shall pay the same to the Treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that may have been obtained and be no longer a member of the association; and shall also, be liable to a recovery of the amount of such assessment by action of debt with cost of suit before any court of competent jurisdiction.

When funds of company are insufficient to pay losses, an assessment to be made on members.

Sec. 7. *And be it enacted*, That any one or more of the Directors, after the passage of this act shall have power to call a meeting of all the directors named herein, by giving notice in one or more of the newspapers printed in the county at least ten days before said meeting.

Directors to call meetings.

Sec. 8. *And be it enacted*, That no part of the funds of the company shall be used for banking or for any other purpose not indicated by this act.

Not to engage in Banking.

Sec. 9. *And be it enacted*, That this act shall be and continue in force thirty years from the passage thereof, unless sooner repealed, and it shall be lawful for the Legislature, at any time hereafter, to amend, modify or repeal the same.

Limitation of act.

Passed November 9, 1841.

AN ACT for the relief of Robert Allen, of the County of Somerset.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this State for the time being, shall, and he is hereby authorized and required to pay Robert Allen, of the aforesaid county, a Soldier in the service of the United States in the Revolutionary War, or to his order, the sum of Forty Dollars per annum, to be paid to the said Robert Allen, in half-yearly payments, from the passing of this act, during the lifetime of the said Robert Allen; the first payment to be made on the passage of this act, and the receipt of the said Robert Allen or his order, shall be a sufficient voucher to the Treasurer for such sums as he may pay by virtue of this act in the settlement of his accounts.

Passed November 11, 1841.

AN ACT for the support of the Government of this State.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be paid to the officers appointed for the administration of the government of this state, the several sums following, viz. :—

To the Governor of this state, for the time being, at the rate of two thousand dollars by the year.

To the Chief Justice of the Supreme Court of this state, for the time being, at the rate of fifteen hundred dollars by the year.

To each of the Associate Justices of the Supreme Court of this state, for the time being, at the rate of fourteen hundred dollars by the year.

To the Treasurer of this state, for the time being, at the rate of one thousand dollars by the year.

To the Law Reporter and Chancery Reporter of this state, for the time being, at the rate of two hundred dollars each, by the year.

To the Attorney General of this state, for the time being, at the rate of eighty dollars by the year.

To the Quarter-Master-General of this state, for the time being, at the rate of one hundred dollars by the year.

To the Adjutant-General of this state, for the time being, at the rate of one hundred dollars by the year.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the Treasurer, signed by the Governor, or Vice-President of Council; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal, and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

Sec. 2. *And be it enacted*, That there shall be paid to the Members of Vice-President of Council and to the Speaker of the House of Council and Assembly, the sum of three dollars and fifty cents, each, and to every member of Council and Assembly, the sum of three dollars, for each and every day they have attended, or shall attend, this or any future sitting of the Legislature; and to every member of Council and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going or returning, on a certificate to be produced to the Treasurer, expressing the sum due, and the number of days and miles, signed by the President or Vice-President of Council, for the members of Council, and by the Speaker of the House of Assembly, or by Henry H. Wilson, Charles Knight, Levi Borton, William B. Baldwin, or any two of them, for the members of Assembly. How to be paid.

Sec. 3. *And be it enacted*, That there shall be paid to the Secretary of Council, and to the Clerk of Assembly, the sum of three dollars and fifty cents, each, for every day they have attended, or may attend, this or any future sitting of this Legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of Council and Assembly, and the Joint Meeting, in the journal; and eight cents by the sheet, computing one hundred words to the sheet, for a copy thereof for the printers, on a certificate produced to the Treasurer, signed by the President or Vice-President of Council, for the Secretary of Council, and by the Speaker of the House of Assembly, for the Clerk of Assembly. Secretary of Council and Clerk of Assembly.
How to be paid.

Sec. 4. *And be it enacted*, That there shall be paid to the Sergeant-at-Arms, or to any person or persons acting in that capacity, who shall attend the Council and House of Assembly, for the time being, and to the Door-Keepers of the Council Sergeant-at-Arms and Door-Keeper.

and House of Assembly, for the time being, the sum of two dollars, each, by the day, for each day, on a certificate to be produced to the Treasurer, expressing the sum due and the number of days they have, respectively, attended, signed by the President or Vice-President of Council, and the Speaker of the House of Assembly, respectively.

Engrossing Clerk. Sec. 5. *And be it enacted,* That there shall be paid to the Engrossing Clerk, who shall engross the bills of Council and Assembly this session of the Legislature, at the rate of eight cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the President or Vice-President of Council, and by the Speaker of the House of Assembly, respectively.

Limitation of Act. Sec. 6. *And be it enacted,* That this act shall be and continue in force for one year from the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and forty-one, and no longer, and that the same shall go into effect immediately after the passage thereof.

Passed November 11, 1841.

AN ACT to authorize the sale of the Real Estate whereof
Daniel Bills died seized.

Preamble.

WHEREAS, Daniel Bills, late of the township of East Windsor, in the county of Mercer, and state of New-Jersey, deceased, in and by his last will and testament, did order and direct that all his estate, real and personal, should be sold on the death of his wife Mary Bills; and after paying certain legacies thereout, that the residue should be divided equally among his children and heirs at law, which said will, though valid as to personal property, is inoperative and void as to his real estate, having been executed in the presence of two witnesses only; AND WHEREAS, the said Daniel Bills died seized and possessed of considerable real and personal estate, situate in the counties of Mercer and Monmouth, in said state; and since the death of the said Daniel Bills, his widow, the said Mary Bills, hath died, leaving her surviving four children, the heirs at law and legatees of the said Daniel Bills, deceased, three of whom are minors; AND WHEREAS, it is represented to the Legislature that the executors of the said Daniel Bills, deceased, by reason of the defective execution of the said will, are unable to effect a settlement and

distribution of the estate agreeably to the will and intent of the said testator, and that the interest of his minor children will be promoted by a sale of his real estate—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of Wm. V. Robbins and Wm. I. Brown, executors of the last will and testament of Daniel Bills, late of the county of Mercer, deceased, be and they are hereby authorized and empowered to sell and dispose of all and singular the real estate whereof the said Daniel Bills died seized, situate in the counties of Mercer and Monmouth, in this state, at public vendue, for the best price that can be obtained for the same, upon advertising the same in like manner and for the same time as is required by law, in cases of sales of real estate by executors or administrators, by order of the Orphans' Court, for payment of debts; and when sold, to make, execute, and deliver good, legal, and sufficient deed or deeds therefor, to any purchaser or purchasers thereof, which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate, the right, title, and interest of the said Daniel Bills therein, at the time of his death.

Sec. 2. And be it enacted, That the said executors shall keep a fair, full and just account of the proceeds of the sale or sales made by virtue of this act, and of the costs and expenses thereof, and shall account therefor, in like manner as if such sale had been made by virtue of the power and authority contained in the will of the said Daniel Bills, deceased, and shall pay and appropriate the nett proceeds thereof to and among the legatees and heirs at law of the said Daniel Bills, deceased, *Nett proceeds to be appropriated among the legatees and heirs at law of said D. Bills* pursuant to the directions of the said will.

Sec. 3. And be it enacted, That the said executors, before entering upon the execution of the trust reposed in them by this act, shall enter into bond to the Ordinary of this State, in such sum and with such security as he shall approve, conditioned for the faithful performance of the said trust, which bond shall be filed in the Prerogative office of this state; and in case the said bond shall become forfeited, it shall and may be lawful for the Governor of this state, for the time being, to cause the same to be prosecuted, at the request and for the benefit, and at the proper costs and charges of the person or persons aggrieved by such forfeiture.

Sec. 4. And be it enacted, That no sale or conveyance made by virtue of this act, shall impair, or in any wise affect, the rights or interests of any person or persons whatever, other than the heirs at law of the said Daniel Bills, deceased, or those claiming under them or either of them. *Rights of persons other than heirs not affected by sale.*

Passed November 12, 1841.

Business of corporation to be conducted by nine Managers. **Sec. 2.** *And be it enacted,* That the business of the said Corporation shall be transacted by a Board of nine Managers, to be elected at such time as they shall by their regulations and by-laws ordain and establish, all of whom shall be residents in this State; and that John S. Porter, Isaac Winner, James Ayars, George Banghart, John L. Lenhart, Robert E. Morrison, William Roberts, John S. Swaine, and Charles H. Whitecar, shall be the Managers of the said corporation until others are elected. The Board of Managers shall have power to elect their own officers, and a majority of the Board shall constitute a quorum to transact business.

First Managers. **Sec. 3.** *And be it enacted,* That the funds of the said Corporation shall be used for the support of supernumerary and superannuated ministers of the Methodist Episcopal Church, and the widows and children of deceased ministers of that Church, and for no other purpose.

Objects of incorporation. **Sec. 4.** *And be it enacted,* That the Legislature of this State, may of right, alter or repeal this act, at any time hereafter, when they shall think proper.

Act may be altered or repealed.

Passed February 4, 1842.

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AN ACT for the relief of the Executors of Hannah Buzby, deceased.

Preamble. WHEREAS, it has been represented to this legislature, that Hannah Buzby, widow of Joseph Buzby, late of Willingborough, in the county of Burlington and state of New-Jersey, deceased, did, by her last will and testament, in writing, bearing date the third day of ninth month, A. D. eighteen hundred and eighteen, duly executed and proved before the surrogate of the county of Burlington, among other things, devise as follows, to wit: "I also give to my executors, and to the survivors and survivor of them, the sum of twenty-five pounds, in trust, to be placed out at interest; and the interest arising therefrom, I direct to be appropriated toward keeping in repair that burying ground of Friends at Ancocus, now occupied, (but no other which may hereafter be made;) and when at any time the interest shall not be wanted for that special

purpose, the same to be paid over to Martha Buzby, daughter of Hudson Buzby, and to her heirs, for their benefit and advantage forever ;” and did appoint Samuel Wills, Henry Warrington and Benjamin Hunt, executors of said will, who took upon themselves the execution thereof; AND WHEREAS, the said Benjamin Hunt has since died; AND WHEREAS, on the first day of the sixth month, one thousand eight hundred and twenty, the preparative meeting of Friends at Ancocus, having charge of keeping in repair the burying ground aforesaid, did decline accepting the said bequest, and left the executors of the said Hannah Buzby, deceased, “at liberty to transmit the same to the legal representative of the said Martha Buzby;” since which time the interest arising on the said bequest has been paid to the said Martha Buzby: and it being manifest that to continue to execute the said will, according to the literal meaning thereof, would be attended with great difficulties; AND WHEREAS, the said Samuel Wills and Henry Warrington, surviving executors of the said Hannah Buzby, deceased, and the said Martha Buzby, have by their petition, requested that a law may be passed which will authorize the said Samuel Wills and Henry Warrington, surviving executors as aforesaid, to pay over to the said Martha Buzby, or to her legal representatives, the principal sum of twenty-five pounds as aforesaid, and thereby relieve them, their heirs, executors, administrators and assigns from any further responsibility as regards the interest of the said sum; and as said request appears to be reasonable and just: Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Samuel Wills and Henry Warrington, surviving executors as aforesaid, of the last will and testament of the said Hannah Buzby, late of Willingborough, in the county of Burlington, deceased, be and they are hereby authorized to pay unto the said Martha Buzby the said principal sum of twenty-five pounds mentioned in the will of the said deceased; and that from and after the payment of the same to her, they, their heirs, executors, administrators and assigns, and, also, the estate of the said Hannah Buzby, deceased, be and they are hereby forever released from the payment of any interest on the said sum of twenty-five pounds, and from all liability on account thereof.

Surviving executors authorized to pay certain moneys.

After payment, executors relieved from all liability on account thereof.

Passed February 4, 1842.

A FURTHER SUPPLEMENT to an Act, entitled “An Act securing to Mechanics, and others, payment for their labor and materials in erecting any house, or other building, within the limits therein mentioned,” passed third of March, eighteen hundred and thirty-five.

Former act to be considered as a public act.
Proviso.
Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act to which this is a supplement shall be taken and considered as a public act, and the provisions thereof shall be in full force and effect within the limits of the corporation of Jersey City, and the townships of Van Vorst and Bergen, in the county of Hudson, in this state. *Provided always,* this supplement shall not go into effect until the first day of April next.

Passed February 7, 1842.

—o—

A FURTHER SUPPLEMENT to the act entitled “An act to incorporate the Paterson Fire Association,” passed November third, one thousand eight hundred and twenty one.

Duties of Assessors.
Duties of Commissioners of Appeal.
Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the assessor or assessors who shall make any assessments under the act to which this is a supplement, or any supplement thereto, to attend at the time and place of the meeting of the commissioners of appeal, and offer such reasons as he or they may think proper in support of any assessment appealed from ; and the said commissioners, after due examination of the facts and consideration of an appeal, shall give such judgment thereon, as shall be agreeable to the principles of justice ; which judgment shall be rendered within three days after the hearing of the appeal, and shall be final and conclusive ; and the treasurer of the association, before demanding the taxes, shall correct the assessments according to the judgment of the commissioners.

Sec. 2. *And be it enacted*, That after the assessments shall have been made, and the commissioners of appeal shall have met and disposed of the appeals, it shall be the duty of the treasurer of the association, to demand of the person or persons, bodies politic or corporate, owning or occupying property assessed, the amount of such assessment; and in case of non-payment thereof, he is hereby required to give notice by public printed advertisements set up within the limits of the corporation, that, if the taxes be not paid to him by a certain time therein to be mentioned, not less than twenty days from the date thereof, that the names of the delinquents with their respective taxes will be returned to a justice of the peace for collection.

Treasurer to demand payment of assessment.

Names of delinquents to be returned in case of non-payment.

Sec. 3. *And be it enacted*, That in cases of the non-payment of the taxes at the time so as aforesaid appointed, the treasurer shall make out a list of the names of the delinquents, both individuals and corporations, with the sums respectively payable by them thereto annexed; and he shall deliver the same to some justice of the peace within the county of Passaic, accompanied with his oath or affirmation, that the moneys therein mentioned have been duly demanded, or due notice of the amount given or left at the usual place of residence of each individual delinquent, who could be found within the limits of the corporation, and also that he has given the public notice required in the preceding section.

Treasurer to make out list of delinquents.

Sec. 4. *And be it enacted*, That it shall be the duty of the said justice of the peace, within five days after the receipt of the said list, to make out and deliver to one or more constables, a warrant or warrants of the same nature as is directed in the act entitled "An act concerning taxes," passed the tenth day of June, seventeen hundred and ninety-nine; and it shall be the duty of the constable or constables, to proceed in like manner as is directed in said act in the collection of the said taxes: and to make return to the said justice, and pay over to him or to the treasurer the moneys collected, within thirty days after the date of his warrant: *Provided, however*, that such warrant or warrants shall in no case require a constable to take the body of a delinquent.

Justice of the Peace to issue warrants.

Warrants how served.

Sec. 5. *And be it enacted*, That the justice who shall issue a warrant or warrants, and any constable who shall execute the same, shall be entitled to like fees and compensation as is provided for like services in the "Act concerning taxes," to be collected in the same manner; and every

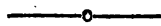
Fees of Justice and constable.

Mother to be guardian of infant daughter. Sec. 2. *And be it enacted,* That Helen B. Souberbielle, an infant daughter of the said Leon Souberbielle, and the said Judith Helen Maria Souberbielle, being the only issue of the said marriage, be and she is hereby committed during her infancy to the care and guardianship of her said mother.

Father to have no authority over infant daughter. Sec. 3. *And be it enacted,* That it shall not be lawful for the said Leon Souberbielle, from henceforth to have, exercise or assert any right or authority of, in, to, or over the said Helen B. Souberbielle, during her infancy aforesaid, for or by reason of paternity.

Father released from all obligation to provide for education &c. of said infant daughter. Sec. 4. *And be it enacted,* That the said Leon Souberbielle be and he is hereby released from all and every civil obligation and duty to contribute or in any way provide for the education or maintenance of the said infant child, Helen B. Souberbielle, during her infancy aforesaid.

Passed February 8, 1842.



AN ACT to authorize the Citizens or Chosen Freeholders of the County of Monmouth, to build a Bridge over the North branch of the Neversink river, at or near the house of Samuel Hubard, Esquire.

Citizens or Chosen Freeholders authorized to erect bridge. Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Citizens or Chosen Freeholders of the County of Monmouth, if in their opinion the public convenience shall require it, to erect or cause to be erected, a good and convenient bridge over the North branch of the Neversink river, beginning at or near the house of Samuel Hubard, Esq., with a draw therein of sufficient width to admit of the easy passage of such vessels as usually navigate said river.

Width of draw.

Passed February 8, 1842.

AN ACT to incorporate the Vincent Town Beneficial Society.

WHEREAS, a number of the inhabitants of the village of Vincent town and its vicinity in the County of Burlington, have formed themselves into an association, or society, to which they have given the name of "The Vincent town Beneficial Society," the object of which is to create a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty or other cause, be rendered incapable of attending to their usual occupation or calling, and, also, towards the decent interment of deceased members, or the deceased wives of members.—And whereas, it is believed an act of incorporation will promote the object of the society, and add to the security of its property, and the said society having, by petition presented to the legislature, prayed to be incorporated—Therefore

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Oliver Cox, Andrew H. Scott, Thomas McNinney, Geo. W. Dobbins, Joseph Wells, Joshua Lippincott, John Gaskill, Samuel C. Hampton, and all such other persons, not exceeding at any one time five hundred, as now are or hereafter shall become, members of the said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name and title of "The Vincent town Beneficial Society;" and by such name they shall have succession and continuance, and be in law capable of suing and being sued, pleading & being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever; in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have the power to alter and change the same at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching or concerning the objects of the said corporation.

Names of Corporation.

Style of incorporation.

Powers.

Sec. 2. And be it enacted, That for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vicepresident, secretary, treasurer, three directors, three stewards and a messenger, and such other officers and assistants as shall be deemed necessary; all of whom shall be elected annually by ballot by a majority

Officers of the Society and mode of their election.

Right of membership how acquired which right of membership can only be acquired by *such* purchaser or assignee, in such manner and upon *such* terms, as are prescribed or may be prescribed, at any time for the admission of members generally ; and in case of the death of any member of said lyceum, his right, share and interest in said lyceum, shall survive and revert to the said corporation, and to no other person or persons whatever.

Corporation empowered to make constitution and by-laws. Sec. 5. *And be it enacted*, That the said lyceum shall have power to make a constitution, and to adopt such by-laws, rules and regulations as may be necessary for their good government, for prescribing the duties of their several officers, for regulating the management and disposition of their property and concerns, for the admission and expulsion of members, and for such other purposes as they may deem necessary : *provided*, the said constitution and by-laws be not inconsistent with this act, nor with the constitution and laws of this state, or of the United States.

Constitution and by-laws may be enforced by suit. Sec. 6. *And be it enacted*, That the constitution and by-laws made and adopted by the said corporation, shall be binding and operative on all the members, and may be enforced by suit, in any court of competent jurisdiction, in the name of said corporation.

Act may be altered or repealed. Sec. 7. *And be it enacted*, That the legislature of this state may, at any time hereafter, amend, modify or repeal this act.

Passed February 10, 1842.

AN ACT for the relief of Anna Ogborn, of the County of Monmouth.

Preamble. WHEREAS, it appears by the petition of Anna Ogborn, of Middletown, in the county of Monmouth, that Ichabod Ogborn, her natural son, hath lately died intestate, and without issue ; and that the said Ichabod Ogborn was seized, at the time of his death, of certain real estate; which by law would escheat to the State of New-Jersey; and it appearing, that the said Anna Ogborn is now in possession of the said real and personal estate, and that the same is necessary for her comfortable support—
Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all the estate, right, title and interest of Ichabod Ogborn, deceased, late of the township of Middletown, in the county of Monmouth, and State of New-Jersey, in a certain lot of land, containing fourteen acres, whereon Anna Ogborn, the mother of the said deceased now lives,—situate in Middletown aforesaid—beginning at a white oak tree, standing in the road from Scunk's Hill to Tinton Falls, it being a corner of the whole tract, and of Richard Crawford's land; thence running (1) north, forty-two degrees and fifteen minutes west, along Crawford's line seventy-four links, to a stone planted for a corner; thence (2) south, thirty-seven degrees and thirty minutes, west, along Crawford's line, two chains and twenty-five links, to a locust sapling; thence (3) north, fifty-seven degrees and thirty minutes; west, twenty chains and seventy links, to a ditch and meadow; thence (4) north, forty-two degrees, east, three chains and ninety-two links, along the said ditch; thence (5) north, twenty-two degrees and thirty minutes; east, two chains and fifteen links; thence (6) north, thirty-seven degrees, east, one chain and ten links, to a maple tree, marked; thence (7) north, seventeen degrees and forty-five minutes, east, five chains and seventy-two links, to Goldin's line; thence (8) south, forty-two degrees and fifteen minutes, east, along said Goldin's line, nineteen chains, to a stone, near Matthias Conover's House; thence (9) along the road, south, four degrees, east, seven chains and fifteen links, to the beginning—be, and the same are hereby vested in, and confirmed unto the said Anna Ogborn, the mother of the said deceased, her heirs and assigns forever.

Boundaries of
land vested in
and confirm-
ed unto Anna
Ogborn.

Provided, That the said real estate shall be subject to *Proviso.* the payment of all just debts of the said Ichabod Ogborn, in the same manner as if this act had not been passed.

Passed February 10, 1842.

Officers to be appointed by directors. Sec. 4. *And be it enacted,* That the board of directors may appoint a secretary, and such other officers and agents as may be requisite for effecting the business of said company; and allow them such compensation as they may deem reasonable, and also determine the rates of insurance.

Policies or contracts how to be made. Sec. 5. *And be it enacted,* That all policies and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president and attested by the secretary, and, being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Terms of effecting insurance. Sec. 6. *And be it enacted,* That every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors to be the premium for said insurance, a part not exceeding five per cent. of said note shall be immediately paid, and the remainder of the said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such incidental expenses as shall be necessary for transacting the business of said company; but no member shall be held liable beyond the amount of his, her, or their promissory note; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting a just and fair proportion of all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money in hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unincumbered real estate, in the county of Hudson, of double the value of the sum loaned.

Policy to be surrendered when property is alienated. Sec. 7. *And be it enacted,* That when any property insured by the said company shall be alienated by sale, or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company, to be cancelled; and upon such surrender, the insured shall be entitled to receive his deposit notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon

application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid; and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and subject to all the liabilities, to which the original party to whom the policy issued was entitled and subjected to under this act.

Sec. 8. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members, for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law or in equity, may be prosecuted and maintained by any member against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such losses; and no member of the company not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness in any such cause, on account of his being a member of said company.

Suits may be maintained against members by company for deposit notes, &c.
Corporation may be sued for losses by fire.

Sec. 9. *And be it further enacted*, That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the amount of such assessment, with interest and costs, in any court, either at law or equity; and every such member shall forfeit all right and claim to any policy he may have obtained, and be no longer a member of the company.

Duty of directors, on ascertaining loss by fire.

Sec. 10. *And be it enacted*, That no transfer of any policy of insurance of the said company shall be valid, until entered in the books of said company, and certified on such policy by the secretary.

Transfer of policies to be entered in books of company.

When poli-
cies can be
issued.

Sec. 11. *And be it enacted*, That no policy shall be issued by the said company, until applications shall have been made for insurance to the amount of forty thousand dollars.

Office of
corporation.

Sec. 12. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the county of Hudson, as shall be designated by a majority of the directors present, at any regular meeting; and said company shall not insure any property out of the county of Hudson.

Limitation
of act.

Sec. 13. *And be it enacted*, That this act shall continue in force thirty years, subject to be altered, amended, modified or repealed by the legislature, at any time hereafter.

When to
take effect.

Sec. 14. *And be it enacted*, That this act shall take effect immediately after its passage.

Passed February 11, 1842.

—o—

AN ACT to legalize the sale of the Real Estate, late of Nathan Stiger, deceased, and others, made by commissioners appointed by the Prerogative Court of this state, to make partition of said Real Estate—to authorize Deeds of Conveyance to be made therefor—and for other purposes therein mentioned.

Preamble.

WHEREAS, the Prerogative Court of the state of New-Jersey, on the twenty-fourth day of March, A. D. eighteen hundred and forty-one, did appoint Ephraim Marsh, Peter B. Shafer and William Martin, commissioners to divide certain real estate belonging to the heirs of Nathan Stiger, deceased, and the heirs of Jacob Miller, deceased, and, also, certain other real estate, belonging to the heirs of the said Nathan Stiger, deceased, and the heirs of Henry Miller, junior, deceased, (the said real estate being situate in the counties of Warren, Morris and Hunterdon;) AND WHEREAS, the said commissioners did, on the nineteenth day of April, then next ensuing, report to the said Prerogative Court, that the said real estate was so circumstanced, that a division thereof could not be made without great prejudice to the owners of the same; whereupon the said court, on the twenty-second day of the

same month of April did order and direct the said commissioners to make sale of the said real estate, at public auction, to the highest bidder, giving at least sixty days notice of the time and place of such sale; and make return to the said court of their proceedings in the premises, at the next term after such sale should have been made; AND WHEREAS, ALSO, the said commissioners, in pursuance of the said last mentioned order, did in the manner therein directed, advertise to sell the said real estate on the first day of July, A. D. eighteen hundred and forty-one, on a part of the said real estate, in Hackettstown, in the said county of Warren; and did accordingly, on the day and at the place last aforesaid, expose the said real estate to sale, at public vendue and outcry; and did then and there sell the same, as is specified in their report made to the said Prerogative Court, at the term next ensuing the time of such sale; AND WHEREAS, Andrew B. Snyder, one of the purchasers at the said sale, has failed to comply with the conditions of the said sale, in reference to a certain mill-property, known as the Hackettstown mills; the same having been struck off and sold to him, for the sum of five thousand dollars; AND WHEREAS, William Clark, of Independence, in the county last aforesaid, has agreed to become the purchaser of the same, on the terms and at the price for which the same was sold to the said Andrew B. Snyder; it being the desire of the parties interested, that the said William Clark should receive the same; AND WHEREAS, doubts have arisen as to the powers and authority of the said Prerogative Court, in regard to the sale so directed to be made, and as to the sufficiency of the title under and by virtue of such sale; for remedy whereof, and in order that what is right in the premises should be done; Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Ephraim Marsh, Peter B. Shaffer and William Martin, commissioners as aforesaid, be and they are hereby authorized and empowered to make, execute and deliver to the said William Clark, his heirs and assigns, a good and sufficient deed of conveyance for the said mill-property, known as the Hackettstown mills, situate in Hackettstown, in the counties of Warren and Morris, upon the same terms and conditions and for the same price as the same was struck off and sold to the said Andrew B. Snyder; which said deed of conveyance shall convey to and vest in the said William Clark, his heirs and

Commissioners authorized to convey certain real estate to Wm. Clark.

Interested in purchase.

assigns, all the estate, right, title, and interest which the heirs of the said Nathan Stiger and Jacob Miller, both now deceased, had therein at the time of the sale aforesaid.

Sec. 2. *And be it enacted*, That the said commissioners be and they are hereby authorized and empowered to make execute, and deliver to James Shotwell, David M. Stiger, Robert Axford and John Addis, Garret Conover, David Miller, William A. Miller, Caleb H. Valentine, Aaron L. Stiger, and James McWilliams, the other purchasers at the said sale, and to their respective heirs and assigns good and sufficient deeds of conveyance for the said tracts or lots of land, so sold by the said commissioners, to the said persons respectively, upon the terms and at the price for which the same were sold, as aforesaid; which said deeds of conveyance shall convey to and vest in the persons to whom the said deeds of conveyance shall respectively be made, and the heirs and assigns of each of the said persons respectively, all the estate, right, title, and interest which the heirs of the said Nathan Stiger and Henry Miller, jr., both now deceased, had therein at the time of the said sale thereof.

Authorized to
make certain
deeds of con-
veyance.

Passed February 12, 1842.

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AN ACT for the relief of the First Presbyterian Church of Morristown.

WHEREAS the members of the First Presbyterian Church and Congregation of Morristown, New-Jersey, at their annual Parish Meeting on the twenty-eighth of October, eighteen hundred and forty-one, passed certain resolutions requesting their Trustees to sell and dispose of a certain portion of their personal and real property for the purpose of repairing their church edifice, and also to build a Parsonage for their settled clergyman: AND WHEREAS, the said Trustees and members of said First Presbyterian Church have been in quiet possession of a tract of wood land in Hanover township, county of Morris, purchased in the year one thousand seven hundred and seventy-three, of one Shadrach Hayward, and known as the Horsehill tract, and being part of a tract of land

Preamble.

surveyed and returned to Hannah Scott and Thomas Lambert in the year one thousand seven hundred and fifteen, and recorded in Liber A. folio one hundred and seventy-two, and containing sixty-one acres more or less: **AND WHEREAS**, the Trustees and members of the said First Presbyterian Church believe that the authority and sanction of this legislature would facilitate the sale of said land: Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the President and Trustees of the said First Presbyterian Church in Morristown, by their President and Trustees or a majority of them, to grant and convey, in fee simple or otherwise, all and singular the lands and premises they now own, situate upon Horsehill, in Hanover township, county of Morris, consisting of the above described sixty-one acres of wood land conveyed to them by the said Shadrach Hayward, and to make, execute and deliver to the purchaser or purchasers thereof, such a Deed or Deeds, conveyance or conveyances as will convey all the right, title and interest of the said President and Trustees and members of the said Church to the same. President & Trustees authorized to convey certain real estate.

Sec. 2. And be it further enacted, That the said Deed or Deeds to the purchaser or purchasers, of said premises, executed by the said President and Trustees, or a majority of them, shall vest in the purchaser or purchasers thereof as good and sufficient a title and estate in the said premises as the said President and Trustees may have therein at the time of such conveyance or conveyances. Interest vested in the purchaser.

Passed February 14, 1842.

AN ACT to appoint a Commissioner to settle up the *business* of Richard Jaques, late Sheriff of the county of Mercer deceased.

Preamble.

WHEREAS, it has been represented that Richard Jaques, late Sheriff of the county of Mercer, died leaving a large amount of executions unsettled, to the great detriment of his estate : Therefore,

Commissioner authorized to execute all writs and receive money due thereon.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Daniel D. Britton, of the county of Mercer aforesaid, be and he is hereby appointed Commissioner, with full power and authority to execute all said writs of execution and to receive any moneys remaining due thereon, and to pay over the same according to law, and to make disposition of all goods and chattels, lands and tenements, seized and levied on by virtue of the same ; and to make good and sufficient titles in the law for such goods and chattels, lands and tenements, and to do all other acts in the premises as fully to all intents and purposes as the said Richard Jaques might or could lawfully do by virtue of his said office of Sheriff, and of the said writs of executions or any of them, as if the said Richard Jaques were now living.

To be subject to the like penalties and restrictions as late Sheriff.

Sec. 2. *And be it enacted,* That the said Daniel D. Britton, Commissioner aforesaid, be and he is hereby made subject in all respects to the same penalties, regulations and restrictions as he the said Richard Jaques, late Sheriff as aforesaid, is by law subjected to ; and the said Daniel D. Britton, as Commissioner aforesaid, is hereby required, and it is his duty, to use all due diligence to collect all the moneys which he the said Richard Jaques, late Sheriff aforesaid, had a right to do by virtue of the authority vested in him by virtue of his office. *Provided always,* that the said Daniel D. Britton, Commissioner as aforesaid, shall pay or cause to be paid to the representative, of the said Richard Jaques, the one-half of all such fees as he shall or might be entitled unto as late Sheriff as aforesaid, upon or by reason of any services to be done by him as such Commissioner aforesaid in pursuance of the provisions of this act.

Provide.

Commissioner to file his acceptance with Clerk of Mercer Co. & give bond.

Sec. 3. *And be it enacted,* That the said Daniel D. Britton, Commissioner aforesaid, shall before he enters upon the execution of any of the powers, trusts and duties by this act created, file with the Clerk of said county of Mercer, a writing signed by him expressing his accepting of

the powers, trusts and duties aforesaid, and shall enter into a bond, with at least four sureties, in the sum of ten thousand dollars: the said bond to be approved of by three of the Judges of the Court of Common Pleas of the county of Mercer, and filed and recorded by the Clerk thereof.

Passed February 15, 1842.

A FURTHER SUPPLEMENT to an Act, entitled "An Act to enable the owners and possessors of certain salt meadows and marsh, lying in the townships of Woodbridge and Piscataway, in the Raritan Great Meadows, to make and keep open the drains, build and repair bridges and gates for the uses therein mentioned," passed June twelfth, seventeen hundred and ninety-nine.

WHEREAS, it is found by experience that the above named act, and the supplement thereto, which supplement was passed January twenty-three, eighteen hundred and seventeen, are insufficient to effect the purposes thereof, and the owners of said salt meadows have besought the legislature to pass an additional law, that thereby the objects and intentions of said original act, and the supplement thereto, may be certainly secured: Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same. That the said owners and possessors of said salt marsh and meadow, shall and may at all times hereafter, on the second Tuesday of April, yearly and every year, meet and assemble, and by plurality of voices of them so met, either viva voce or by ballot, elect and choose two persons to be managers for the ensuing year, and until others are chosen; which said managers shall be chosen out of the owners aforesaid, and that the annual meeting for the second Tuesday of April next, shall be held at the house now occupied by George B. Stelle at Metuchin, in the township of Woodbridge, in the said county of Middlesex, and the annual meetings thereafter shall be held at the same place, unless said owners and possessors shall, at a meeting, designate another place for that purpose.

Time & mode of annual election of Managers.

Time & place of next annual meeting.

**Proceedings
in case of un-
paid assess-
ments and
taxes.**

provided for, and any owner or owners, possessor or possessors shall neglect or refuse to pay the same to the manager or managers, (who are hereby authorized to receive the same,) within the time limited in said sixth section then and in that case, it shall be the duty of the manager or managers to make out a list of such delinquents, with the sums due from them respectively thereto annexed, and deliver the same to some justice of the peace of the said county of Middlesex; and thereupon such proceedings for the collection of said assessments and taxes shall be had as is prescribed for the collection of taxes, in the act entitled "An Act concerning taxes," passed the tenth day of June seventeen hundred and ninety-nine.

**Penalties,
how applied**

Sec. 8. And be it enacted, That all penalties recovered by the managers or manager, shall be by them or him held and applied, from time to time, for the same purposes, as the taxes which the manager or managers in the sixth section are authorized to assess and collect of the said owner and possessors of said salt meadow and marsh.

**Owners and
possessors to
elect annually
two Inspect-
ors.**

Sec. 9. And be it enacted, That at the next, and every subsequent annual meeting of said owners and possessors said owners and possessors may elect, by plurality of vote of them so met, either viva voce or by ballot, two respectable freeholders of the county of Middlesex, not owners or possessors of, or interested in said meadows and marsh that the said two freeholders, within thirty days after their election as aforesaid, shall, at the expense of the said owner and possessors, inspect the gates, bridges, creeks and ditches around and about said salt meadow and marsh; and in case the said two freeholders shall certify and report to the managers or manager, in writing, that the bridges and gates are well and sufficiently made, and the creeks and ditches open and clear, the said meadows and marsh shall be deemed and considered to be enclosed by a lawful fence, for one year from the date of said certificate and report, and upon the like election, inspection, certificate and report being made from year to year, the said meadows and marsh shall be deemed and taken to be enclosed by a lawful fence, from year to year.

Sec. 10. And be it enacted, That in case the said managers or manager shall pay, in discharge of their or his duty, as such managers or manager, more money than shall be received by them or him from the proceeds of any assessment or assessments, or otherwise, under the provisions of this act, or of the acts to which this act is a supplement, then it shall be the duty of their or his successors or successor, to pay to the said managers or manager all such

sum or sums of money, as shall, upon a fair settlement of their or his accounts, be found justly due.

Sec. 11. *And be it enacted*, That this act shall go into effect and operation immediately after the passage thereof. Act to take effect immediately.

Passed February 15, 1842.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Elizabeth-Town and Somerville Rail Road Company."

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the time for the completion of the Rail Road and its branches, authorized by the original act incorporating the said Company, and the extension of the same to the Delaware River, authorized by the several supplements to the said original act, be, and the same is hereby extended to the fourth day of July, one thousand eight hundred fifty-six. Time for completion of Railroad extended.

Passed February 16, 1842.

AN ACT for the relief of York Mulford, a colored man
the county of Morris.

WHEREAS, it has been represented to this Legislature, that York Mulford, a colored man, of the town of Morris, in the county of Morris, was formerly the property of Jonathan Ogden, late of the county of Morris, and that the said Jonathan Ogden, died on the fourth day of July, one thousand eight hundred and eighty-six, and that the said York Mulford by an instrument in writing, was not recorded: AND WHEREAS,

represented, that since the year one thousand eight hundred and eighteen, the said York Mulford has been considered a freeman—has made contracts on his own account, and for his own benefit—and about the year one thousand eight hundred and thirty-two, purchased from Richard Kemble, by a regular deed of conveyance, certain tract of land in the township of Morris, in the said county of Morris, containing about six and three quarter acres of land, which he afterwards sold and conveyed to one William Kemble, of the said county of Morris, by deed bearing date about the year eighteen hundred and thirty-five; and about the year one thousand eight hundred and twenty-six, purchased of Benjamin Bayley another tract of land in the said township of Morris, on which he now resides; and that about the year one thousand eight hundred and thirty-five, he purchased another tract of land lying in the said township, containing forty-two hundredths of an acre, by deed from Lewis Mills and wife, recorded in the Morris county Record of Deeds, Liber M. 3, folio 390, &c which said tract he afterwards, about the year one thousand eight hundred and thirty-nine, sold and conveyed by deed to one William Collins, of the said county of Morris: AND WHEREAS, doubts have arisen, from the very great difficulty of proving the manumission of the said York Mulford, respecting his competency to hold and dispose of property, real or personal; and the said York Mulford having, by petition, prayed that the said conveyances may be confirmed, and that he may be declared by law entitled to all the rights and privileges of a free colored man of this State; and it being reasonable that the prayer of the said petition should be granted—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same

Certain deeds to York Mulford & others to be considered valid. That the deed of conveyance from Richard Kemble to York Mulford, a colored man, of the county of Morris, for a tract of land in the township of Morris, in the said county of Morris, containing about six and three quarter acres and the deed for the same land from the said York Mulford to William Kemble, bearing date about the year one thousand eight hundred and thirty-five, and the conveyance to the said York Mulford for the land now owned and occupied by him, in the township of Morris, aforesaid and the conveyance to the said York Mulford for a tract of land of forty-two hundredths of an acre, in the township of Morris, aforesaid, and the deed for the same land from

the said York Mulford to William Collins, bearing date about the year one thousand eight hundred and thirty-nine be deemed, taken, and considered as valid, effectual, and operative as if the said York Mulford had been born free, or had been, previous to the time of the execution and delivery of the said several deeds, duly and regularly submitted according to the laws of this state.

Sec. 2. *And be it enacted*, That the said York Mulford be, and he is hereby declared to be entitled to all the York Mulford rights, privileges, and immunities of a free colored man of ^{entitled to} this state, may hold estates, real and personal, in his own ^{hold real and} right, and convey and dispose of the same by deed, will, or ^{personal} estate, otherwise.

Sec. 3. *And be it enacted*, That unless the said York Mulford shall, within three months from the passing of this act, make and file in the clerk's office of the county of Morris, ^{Bond to be} such bond, with good and sufficient security, as shall be ap- ^{filed in} proved by the clerk of said county, in the condition that ^{clerk's office.} the said York Mulford shall, in no event, become chargeable upon the heirs or estate of the aforesaid Jonathan Ogden, that then this act shall be void.

Passed February 16, 1842.

AN ACT authorizing the administrators of Anthony Woodward, deceased, to convey to Moses Ivins, certain real estate, in the county of Monmouth.

WHEREAS, it is represented that Anthony Woodward, deceased, late of the township of Upper Freehold, in the county of Monmouth, in this state, in his life time, entered into a verbal agreement with Moses Ivins, for the sale and conveyance of a certain tract of land situate in the said township of Upper Freehold, adjoining lands of Joshua and John Horner, lands of John Cox, and other lands of the said deceased, containing about three hundred acres, for the consideration of the sum of three hundred dollars: that in pursuance of the said agreement, the said Moses Ivins paid to the said Anthony Woodward in

Preamble.

Jesse Vanhise, at the rate of two dollars per acre : th
in pursuance of the said agreement, the said Jesse Va
hise paid to the said Anthony Woodward, the sum of o
hundred and twenty dollars, the consideration mone
aforesaid ; and entered into the possession of the sai
tract of land, and made sundry improvements thereon
but that the said Anthony Woodward died intestate, le
ving minor heirs at law, without having executed a dee
of conveyance to the said Jesse Vanhise, for the sai
tract of land ; AND WHEREAS, Nimrod Woodward an
Wesley Wilbur have been duly appointed administra
tors of the estate of said deceased, and by their petition
signed by themselves and Caroline Woodward, widow o
the said deceased, and, also, by the said Jesse Vanhise,
have prayed that the legislature would pass an act autho
rizing the said Nimrod Woodward and Wesley Wilbur
to make and deliver to the said Jesse Vanhise, a good
and sufficient deed of conveyance for the said tract of
land—Therefore,

BE IT ENACTED by the Council and General Assembly of
this State, and it is hereby enacted by the authority of the same,
That Nimrod Woodward and Wesley Wilbur, administra
tors of Anthony Woodward, deceased, late of the county
of Monmouth, be and they are hereby authorized in fulfil
ment of the aforesaid agreement, between the said Anthony
Woodward and the said Jesse Vanhise, to make, execute
and deliver to the said Jesse Vanhise, a good and sufficient
deed conveying unto the said Jesse Vanhise, and his heirs
and assigns forever, the aforesaid tract of land, and all
the estate, right, title and interest of which the said An
thony Woodward died seized, of, in and to the same, as
fully and effectually as if the same had been duly executed
by the said Anthony Woodward, deceased, in his lifetime,

Passed February 16, 1842.

Adm'rs of A.
Woodward,
dec'd, autho
rized to con
vey certain
real estate.

Interest
vested in
purchaser.

AN ACT to regulate Fishing with Seines in Barnegat Bay.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That no person or persons shall hereafter fish within the waters of Barnegat Bay, or any of the rivers, ^{Certain de-} creeks, or other tributary waters thereof north of Barnegat ^{scription of} inlet, with any seine or seines, net or nets, the whole length ^{seines not to} of which, either singly or attached together, shall exceed ^{be used.} one hundred and forty fathoms, and the ropes whereof attached to each wing, shall not exceed in length three hundred fathoms; and that no person or persons shall set any seine or seines, net or nets, fike or fikes in the aforesaid waters, the whole length of which, either singly or attached together, shall exceed twenty fathoms: and if any person or persons shall so do, whether any fish be taken or not, the captain of such seine or seines, net or nets, fike or fikes so hauled, fished with or set, in any of the waters aforesaid, shall for every such offence, forfeit and pay one hundred dollars; and every person or persons aiding or assisting therein, shall for every such offence, forfeit and pay fifty ^{Penalty.} dollars each, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state, having cognizance of that sum; one moiety thereof to the use of the prosecutor, and the other moiety to the county collector, for the use of the county in which the offence shall have been committed.

Sec. 2. *And be it enacted,* That any person or persons ^{Penalty in} violating the aforesaid section, or refusing to have his or ^{case of refu-} their seines, ropes, nets and fikes measured by any person ^{sal to have} or persons wishing to measure the same, shall forfeit his ^{seines mea-} boat, flat, scow or other vessel used or employed in the ^{sured.} commission of such offence, with all the fish, seines, ropes, nets, fikes, tackle and furniture belonging to the same.

Sec. 3. *And be it enacted,* That it shall be the duty of the sheriff and constables of the county in which such ^{Proceedings} offences shall have been committed, and may be lawful for ^{in case of} any other person or persons, to seize and secure any boat, ^{seizure of} flat, scow or other vessel, and all seines, ropes, nets, fikes, ^{boats, seines,} tackle and furniture, as aforesaid, and immediately there- ^{&c.} upon give information thereof to two justices of the peace, of the county where such seizure shall have been made, who are hereby empowered and required to meet at such time and place, as they shall appoint for the trial thereof,

and hear and determine the same : and in case the same shall be condemned, it shall be sold by the order, and under the direction of the said justices, who after deducting all legal costs and charges, shall pay one half of the proceeds of such sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

Penalty in
case of re-
sistance of
officers.

Sec. 4. *And be it enacted*, That if any person or persons on board of, or belonging to any such boat, flat, scow or any other vessel as aforesaid, or belonging to any such seign, net or fike shall refuse, and not suffer to enter, or resist after entering or before entering the same, any of the aforesaid officers, or any other person or persons seizing the same, or otherwise resist them, or any of them, in the lawful seizure of the same, then every person so offending shall forfeit and pay the sum of fifty dollars, to be recovered and applied in manner directed by the first section of this act.

Passed February 17, 1842.

—o—

AN ACT to confirm the last Will and Testament of Stephen Mayers, late of the City of New-York, deceased.

Preamble.

WHEREAS it appears, from the petition of John Dunn, the son of Stephen Mayers, late of the City of New-York, deceased, that he departed this life in the year eighteen hundred and forty-two, having first made his last will and testament in writing, in the presence of two subscribing witnesses only, which is sufficient to pass Real Estate in New-York, but not sufficient to pass Real Estate in New-Jersey : and it appearing by the said will among other things, that a part of the Real Estate of the said Testator is situate in the State of New-York and part in this State, and that he made suitable provision for all his heirs at law, and among other things did devise to the said John Dunn, his heirs and assigns, forever a tract of land in the county of Essex, and State of New-Jersey, being all the Testator's estate in New-Jersey ; and it appearing that the said will has been proved in the State of New-York, and also to be just and reasonable that the intentions of the said Testator should not be defeated, so far

as they relate to his Real Estate in New-Jersey; and it also appearing that the Executors of the said will have had due notice of this application, and no objection being made thereto—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the last will and testament of the said Stephen S. Mayers ^{Will of} Mayers, deceased, so far as the same relates to the devise of confirmed. his real estate in New-Jersey, be confirmed in all things, and that the same be as valid and effectual in law as if the said last will and testament had been well executed to pass Real Estate in the presence of three subscribing witnesses as required by the laws of this State.

Passed February 18, 1842.

—O—

AN ACT to incorporate the Bordentown Beneficial Society.

WHEREAS, a number of the Inhabitants of the Borough of Bordentown and its vicinity, have formed themselves into an association or society, to which they have given the name of "The Bordentown Beneficial Society," the object of which is to create a fund to be applied towards the relief or support of such of the members thereof, as shall by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual occupation or calling, and also towards the decent interment of deceased members, or the deceased wives of members. And, whereas it is believed an act of incorporation will promote the objects of the Society, and add to the security of its property, and the said Society having by petition presented to the Legislature, prayed to be incorporated—Therefore, Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Charles Wilson, Thomas T. Blexler, Joshua F. Lame, Robert Idell, Jacob E. Moreton, Thomas S. Field, John E. Edwards, Peter Shreve, Jr. Alexander D. Pearson, William Thompson, John Hitchens, Robert Hankins, ^{Names of} ^{Corporators.} and all such other persons not exceeding at any one time five hundred, now are, or shall hereafter become members of said society be, and they are hereby ordained, constituted and de-

Style of incorporation.

General Powers.

Mode of annual election of officers.

What real and personal estate may be held.

Corporation may form constitution and by-laws as in fourth section.

Proviso.

clared, a body corporate, in fact and in law, by the name, style and title of "The Bordentown Beneficial Society," and by that name they and their successors shall have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure, and by their name aforesaid and under their common seal, may make and enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of the said incorporation.

Sec. 2. *And be it enacted*, That for the more effectual accomplishment of the objects of the said incorporation there shall be a President, Vice President, Secretary, Assistant Secretary, Treasurer, two Stewards, and an Investigating Committee of three, and such other officers and assistants as shall be deemed necessary, all of whom shall be elected by ballot, by a majority of the members present, at a meeting convened for that purpose upon two weeks notice of such meeting being published in one of the newspapers printed in the county of Burlington.

Sec. 3. *And be it enacted*, That the estate and property of what kind soever the same may be, now held by the said Society, shall be vested in the body corporate and politic, hereby created; which said body corporate and politic, shall by the name and title aforesaid, be able and capable in law, to purchase, receive, take, hold, and convey for the use and benefit of said Society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, goods, securities, and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same, provided that the clear yearly income or value of the real and personal estate of said incorporation shall not exceed the sum of one thousand dollars.

Sec. 4. *And be it enacted*, That the said corporation be and they are hereby authorized and empowered to make, adopt, and use, and from time to time alter, amend, or change, as by them may be deemed expedient, such general form of a constitution and by-laws for the transaction of business, and for effecting the purposes of the Society aforesaid, as to the members or a majority of the members present duly met, shall be deemed right and proper; *provided*, that nothing in the said constitution and by-laws be repugnant to the constitution or laws of the United States or of this State.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the Society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided in the constitution and by-laws of said Society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act, and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act. Object of incorporation.

Sec. 6. *And be it enacted*, That it shall be lawful for the Legislature of this State at any time hereafter, to amend, repeal or modify this act as they shall think proper. Act may be altered or repealed.

Passed February 18, 1842.

—O—

An act to incorporate the Carpentersville Delaware Bridge Company.

WHEREAS it is represented to the legislature by the petition of a number of the inhabitants of the county of Warren, that the erection of a bridge over the Delaware river at or near Carpenters ferry would be a great accommodation to the public:—Therefore, Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the capital stock of the Carpentersville Delaware Bridge Company shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions as the directors of said company may determine. Amount of capital stock.

Sec. 2. *And be it enacted*, That John Hixon, Enoch Green, Jacob Carpenter, Peter Shively, and Luther Colvin, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the Com- Names of commissioners and their duties.

Stock forfeited for non-payment of instalments.

Proviso.

Style of incorporation.

General Powers.

monwealth of Pennsylvania, shall be authorized to receive subscriptions to said capital stock, at such times and places as they, or a majority of them, shall direct, giving notice thereof in two of the newspapers printed in the county of Northampton, in the state of Pennsylvania, and in two of the newspapers printed in the county of Warren, in this state, for at least twenty days, of the times and places when and where the said subscriptions shall be received, and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and that the residue of the said subscriptions shall be paid in such instalments, and at such time and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice of, and upon failure of payment thereof, as so directed for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the said instalments, or any of them, to and for the use of said company; *Provided*, that if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid

Sec. 3. *And be it enacted*, That when two hundred shares are subscribed for, the persons holding the same shall be and they are hereby incorporated into a company by the name of "The Carpentersville Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; (*provided*, such increase shall not, with the original subscription, exceed the aforesaid capital of twenty thousand dollars, and the increase and profits accruing thereon,) shall have authority to erect and maintain a good and sufficient Bridge over the river Delaware at or within a quarter of a mile of Carpenter's Ferry, in the township of Greenwich, in the county of Warren, in this State, and shall be capable of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice or any other place whatever.

Sec. 4. And be it enacted, That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said Commissioners to give notice in two or more of the newspapers printed in the county of Northampton, in the State of Pennsylvania, and in the county of Warren, in this State, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice; at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company; provided, that no person shall have more than twenty votes at an election, and that each person shall be entitled to one vote for every share by him held not exceeding ten and one vote for every two shares above ten, and not exceeding twenty; and one vote for every five shares above twenty, until the number of votes amount to twenty.

Manner of
electing
officers.

Proviso.

Time of annual
election of
officers.

Sec. 5. And be it enacted, That the stockholders shall meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Sec. 6. And be it enacted, That the president and directors, first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively signed by the president and countersigned by the treasurer of the said company; which certificates shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due and that may become due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Certificate of
a stock trans-
ferable.

Sec. 7. And be it enacted, That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at such meetings five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to erect and complete the said bridge and conduct the business of the same, and fix their salaries and other wages, to determine the time, manner and proportions, in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be

Duties and
powers of
President &
Directors.

required, the same to be signed by the president or chairman and countersigned by the clerk of the board, and to do and transact all matters and things as by the by-laws or regulation of the said company shall be lawful.

Proceedings
when compa-
ny and own-
ers of lands
cannot agree
on value.

Sec. 8. *And be it enacted*, That after the place for the erection of said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner and owners of any lands and materials for the purchase of so much thereof as shall be necessary for the purpose of erecting and completing the said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, or in case any such owner or owners thereof shall be feme covert or under age, non compos mentis, or reside out of this State, then it shall and may be lawful for the said president and directors to apply to one of the justices of the Supreme Court of this State, not being a stockholder, or otherwise interested; who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this State, who, after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and completing the said bridge, and making and establishing all necessary works and roads to and from the same; and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and materials so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same; which report shall be made in writing, under their hands and seals or under the hands and seals of any two of them; and shall return the same, together with a map describing the metes and bounds of such lands and materials, to the Supreme Court at the term next after they shall have agreed upon and signed the same; and the said report having been confirmed by the said Supreme Court, shall be filed in the Clerk's Office of the said Court, with the map aforesaid; and the said president and directors having paid the said owners respectively, the several sums awarded to be paid to them; in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each, for every day employed in said business, and their necessary expenses, the said company shall be entitled to have and to hold to them and their successors and assigns forever, the said lands and materials, as fully and effectually as if the same had been granted to them

by their respective owners thereof; and in case any owner or owners of such land so appraised, shall be feme covert, under age, non compos mentis, or out of the State, then and in such case, the said company shall pay the amount which has been awarded to such owner or owners respectively, into the Court of Chancery to the Clerk thereof, subject to the order of said court, for the use of the said owner or owners—all which proceedings shall be had at the proper costs and charges of said company, to be determined by the said justice of the Supreme Court:—*provided, always*, that should the owner or owners of any such lands, or the said company feel himself or themselves aggrieved by the decision of the arbitrators aforesaid, he or they may appeal to the next Circuit Court in the county where the land lies, reserving to either party the right of trial by jury in said court, and the decision of the said court in the premises shall be final and conclusive, but the party so appealing shall in no case be entitled to costs, unless the award of the arbitrators shall be reversed or altered in favor of the party so appealing: and it shall and may be lawful thereupon and not before, for the said president and directors to enter upon the said lands and materials, and to commence and to complete the erection of said bridge.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits or shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be ascertained and liquidated.

Annual statement of accounts to be made.

Sec. 10. *And be it enacted*, That when a good and complete bridge shall have been erected over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever; and the said company, their successors and assigns may demand and receive toll from travellers and others, not to exceed the following rates:

For every coach, landau, chariot, phaeton, or other pleasure carriage with four wheels, drawn by four horses, the sum of **seventy-five cents.**

Rates of toll for passing over the bridge.

For every such pleasure carriage, with two horses, fifty cents.

For every farm or market wagon, with four horses, sixty-three cents.

Penalty. when such excess of debt was contracted, or such excess of notes or other obligations was issued, shall severally and jointly be responsible for all the debts and contracts of the said company

Not to exercise banking privileges. Sec. 10. *And be it enacted,* That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes; And the legislature reserve the right of altering, amending, or annulling this charter whenever they think proper.

Act may be altered or amended.

Passed February 21, 1842.

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AN ACT to authorize John Dilts to sell certain Real Estate, formerly occupied by Thomas Wilson.

Preamble.

WHEREAS, Thomas Wilson, a colored man, now deceased, did in his lifetime, receive conveyances, in fee simple, for certain real estate, to wit: lot No. one, situate in the township of Hopewell, formerly in the county of Hunterdon, now in the county of Mercer, in this state, adjoining lands of John Dilts and the river road, leading from Trenton to Flemington, and the road from Harbours town to Mount Airy, and containing about sixteen perches of land, conveyed to said Thomas Wilson by Joseph Burroughs and Sarah, his wife, by deed, dated the first day of August, A. D. eighteen hundred and two, and recorded in the clerk's office of Hunterdon county, in book G. folio four hundred and three, &c.; lot No. two, situate in the township of Amwell in the county of Hunterdon, adjoining lands of William Atchley, and the road leading from Harbours town to Amos Moore's on the Delaware river, containing two acres and twenty-eight perches of land, or thereabouts; conveyed to said Thomas Wilson by Daniel Coxe Runyan and Elizabeth, his wife, by deed dated the thirteenth day of May, A. D. eighteen hundred and five, recorded in the clerk's office of Hunterdon county, in the record of deeds, vol. two, folio five hundred and twenty-six, &c.; lot No. three, situate in the township of Hopewell aforesaid, formerly in the county of Hunterdon, now in the county of Mercer, adjoining lands of John A. Abbott and Samuel C. Hill, and containing four

ares and one perch of land, or thereabouts ; conveyed to said Thomas Wilson by Nathan Price, Esq. sheriff of Hunterdon county, by deed, dated the sixteenth day of June, A. D. eighteen hundred and nine, and recorded in the clerk's office of said county, in the record of deeds, vol. sixteen, page thirteen, &c. lot No. four, situate in the said township of Hopewell, now in the county of Mercer formerly in the county of Hunterdon, adjoining lot No. one above mentioned, also, lands of John Dilts and the river road, from Trenton to Flemington, and containing fifteen perches of land, or thereabouts ; conveyed to said Thomas Wilson, by George Ege, by deed, dated the twentieth day of June, A. D. eighteen hundred and fourteen, recorded in the record of deeds for Hunterdon county, in vol. twenty-three, folio two hundred and thirty &c.; and the said Thomas Wilson having paid for said several lots of land the full consideration mentioned in said deeds, and agreed upon between him and the said grantors, respectively, entered into possession thereof, and used and occupied the same during his life ; AND WHEREAS, the said Thomas Wilson being a slave at the time of making said deeds, and during his whole life, was thereby unable in law to take and hold the said lands, and said deeds therefore conveyed to him no estate or interest therein : AND WHEREAS, the said Thomas Wilson left his wife, Mary, surviving him, who having become poor and infirm and unable to maintain herself, was for a considerable time, and until her decease, supported by William Rosco, at his own expense, and it is reasonable and just that all moneys expended by him, or by any other person or persons for the support of said Mary should be repaid, and that the said lots of land should be sold for that purpose, and a good title made to the purchaser ; and the said Thomas Wilson having no children, or other relatives now living, who as can now be ascertained :—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Dilts, of the township of Hopewell, in the county of Mercer, be and he is hereby authorized to sell certain real estate late of Thos. Wilson, dec. all the aforesaid lots or parcels of land, at public vendue, to the highest bidder ; and to make, execute and deliver a good and sufficient deed or deeds for the same, to the purchaser or purchasers thereof ; which deed and deeds when Interest vested in purchaser. so executed and delivered, shall convey to, and vest in the said purchaser or purchasers, as good and sufficient an es-

Proviso.

tate in and to the said land and premises thereby conveyed as the grantors in the aforesaid deeds to the said Thomas Wilson had in the same at the time of executing their said conveyances for the same respectively; *provided*, that nothing contained in this act, shall in any way affect the right or interests of any person or persons in whose favor said Thomas Wilson, deceased, may have mortgaged or otherwise incumbered the said several tracts of land either of them respectively in his lifetime.

**Distribution
of proceeds
of sale.**

Sec. 2. *And be it enacted*, That the said John Dilts shall be and he is hereby authorized and directed to take and receive the purchase money for said land, and to have and use all necessary actions to recover the same; and out of said moneys, to pay the expenses of procuring this act, and of selling said land, and to pay to said William Rosco, and all and every other person or persons, all moneys which he or they have expended in furnishing to the said Mary, widow of said Thomas Wilson, the means of support and maintenance; and the surplus money which may remain after such payments, the said John Dilts shall pay to the collector of the township of Hopewell, for the use of the poor of said township; and in case any person or persons shall, within seven years after the passing of this act, appear and show that they are so related to said Thomas Wilson, that they would have been entitled to his estate, in case he had been free, then the said township of Hopewell shall pay to them the said surplus, which may have been received by said township; and the said John Dilts is hereby directed and required to file and settle his accounts, of the manner in which he shall have applied said moneys, in the Orphans' Court of the county of Mercer, at the next stated term after making the aforesaid sale of said land, or at such other time as the said court may appoint; and said court shall allow him reasonable commissions for his services.

**Accounts to
be filed with
the Orphans'
Court of the
county of
Mercer.**

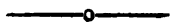
**Trustee to
give bond to
the Ordinary.**

Sec. 3. *And be it enacted*. That the said John Dilts shall advertise the sale of said land by setting up notice thereof in five of the most public places in the said townships of Hopewell and Amwell, at least four weeks before the time appointed for the sale thereof; and before he shall proceed to the execution of the powers and authority vested in him by this act, he shall enter into bond to the ordinary of this state in the penal sum of six hundred dollars, with one or more sureties, to be approved by the surrogate of the county of Mercer, conditioned for the faithful performance of the trusts reposed in the said John Dilts by this act, and that he will well and truly apply the moneys arising from the sale of said lands in the manner herein directed; and

said bond shall be filed in the office of the said surrogate, and shall be good to all intents and purposes, and pleadable in any court of justice; and if the same become forfeited, it shall be lawful for the ordinary to cause the same to be prosecuted, at the request of any person aggrieved thereby.

Sec. 4. *And be it enacted*, That in case of the death of the said John Dilts, or of his neglect or abuse of the powers hereby vested in him, the Orphans' Court of the county of Mercer, shall upon application to them have full power and authority to appoint another trustee in the place of the said John Dilts, who shall upon such appointment, and upon giving bond in the manner before directed, have all the powers conferred upon said John Dilts by this act.

Passed February 21, 1842.



A SUPPLEMENTARY ACT to alter and amend the act entitled
 "An act to incorporate the Port Colden Mutual Fire Insurance Company," passed February twenty-sixth, eighteen hundred and thirty-eight.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the name of said corporation is hereby changed from that of "the Port Colden Mutual Fire Insurance Company," to the "Warren County Mutual Fire Insurance Company," by which name the persons composing said corporation, and their successors therein, shall hereafter be known, transact all their corporate business, and have and possess all the powers, privileges, and immunities which the said corporation possess and enjoy by virtue of their said act of incorporation.

Sec. 2. *And be it enacted*, That the sixth, seventh, and eighth sections of the said act to which this is a supplement, be, and the same are hereby repealed.

Passed February 21, 1842.

AN ACT to authorize Elias Van Arsdale, jr., to pay certain moneys therein mentioned to the Trustees of the "Newark Fire Department."

Preamble.

WHEREAS, Allen Clark, formerly of the city of Newark in the county of Essex, being indicted and imprisoned to await his trial for a misdemeanor in setting fire to a shop or storehouse in said city, was by the order of the Court of Oyer and Terminer of said county, made the twenty-first day of October, Anno Domini, one thousand eight hundred and thirty-seven, released from said imprisonment on entering into recognizance in the sum of two hundred and fifty dollars for his appearance to answer said indictment at the next term of said Court, which said recognizance was at the said term forfeited; AND WHEREAS, the said sum of two hundred and fifty dollars, was by the recognizor for his said appearance paid to Elias Van Arsdale, jr., then being clerk of the said County, and still remains in his hands, subject to the costs of said indictment and the expenses of the arrest of said Allen Clark :—Therefore,

E. Van Arsdale, jr. authorized to pay balance of money in his hands to Newark Fire Department after deducting certain costs and expenses.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Elias Van Arsdale, jr., be, and he is hereby authorized and empowered, out of the money so as aforesaid received by him and remaining in his hands, to pay all and sundry the costs and expenses of arresting and prosecuting the said Allen Clark, to such person or persons as shall be legally entitled to the same, and after deducting said costs and expenses, to pay the balance of said money to the Trustees of the Newark Fire Department, to be by them applied to the increase of their fund for the relief of indigent or disabled firemen or their families.

Passed February 22, 1842.

AN ACT to extend the time limited for commencing and completing the road of the New-Jersey Hudson and Delaware Rail Road Company.

Sec. 1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the time limited in the sixteenth section of the act entitled "An Act to incorporate the New-Jersey Hudson and Delaware Rail Road Company," passed the eighth day of March, eighteen hundred and thirty-two; and in the fourth section of the further supplement thereto, passed February thirteenth, eighteen hundred and thirty-six, for commencing the main road or roads, and the lateral road of the said company, be and the same is hereby extended to the period of ten years; and that the time for completing the same be extended to the period of twenty years after the passage of this act.

Passed February 22, 1842.

AN ACT to authorize the Board of Chosen Freeholders of the county of Salem, to build a Bridge over Salem Creek.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Board of Chosen Freeholders of the county of Salem, are hereby authorized, whenever in their opinion, the public convenience may require it, to erect and build a bridge, with a draw twenty-four feet wide therein, over Salem Creek, in the county of Salem, to connect a public road which has been laid from Kinseyville, in the township of Lower Penns Neck, to the Sculltown road, in the township of Mannington. *Provided,* said board shall direct said bridge to be built before the expiration of five years from the passage of this act.

Passed February 22, 1842.

AN ACT to authorize Timothy Wiggin and William Hurry, trustee of Adeline W. Torrey, wife of William Torrey, to make a Rail Road on their lands, in the county of Monmouth.

Preamble.

WHEREAS, it appears that Timothy Wiggin and William Hurry, trustee of Adeline W. Torrey, wife of William Torrey, are now the owners, in fee simple, of certain large tracts of land, situated in the county of Monmouth, in this state, late the property of the Monmouth Purchase Company, the most part of which is covered with wood and timber, which by reason of its distance from any navigable water, is comparatively of little value; **AND WHEREAS**, the said owners are desirous of making a rail road, with divers branches, on their said lands, to some point on Toms river, in said county, where said river is navigable, for the purpose of sending their wood, timber and other produce to market, and to transmit in return lime and manure, for the purpose of improving their said lands; and have petitioned the legislature for a law authorizing them to make such road; and it appearing that such petition is reasonable and just, and that the same will be to the interest of the said owners, and to that district of country:—Therefore,

Trustees authorized to survey and lay out a rail road in the county of Monmouth.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That that the said Timothy Wiggin and William Hurry, trustee as aforesaid, and their assigns, be and they are hereby invested with all the rights, powers and authority necessary and expedient to survey, lay out and construct a rail road, from some suitable point on their said lands, in the county of Monmouth, to the navigable waters of Toms river, with such branches on their said lands as may be necessary to intersect the same, for the purposes aforesaid, at their sole expense; said road and its branches not to exceed thirty feet in width, and where the same may pass across any public road, the same to be made and maintained by the owners aforesaid, so as not to interfere with the public convenience.

Trustees authorized to contract with the owners of land for privilege of laying rails thereon.

Sec. 2. *And be it further enacted,* That the said Timothy Wiggin and William Hurry, trustee as aforesaid, and their agent or agents, be and they are hereby authorized to contract with the owner or owners of such tracts of land for the privilege of passing by or over the same, and laying thereon their said rail road, and shall be entitled to hold and use the same according to the terms of such contract.

Sec. 3. And be it enacted, That if any person or persons shall wilfully or maliciously injure the said rail road, or any of its branches, buildings, cars, works or machinery, ^{Penalty for} such person or persons shall forfeit and pay therefor, to the ^{injurying} owners thereof, three times the amount of the damages sustained by said injury, to be recovered by such owners, in an action of debt, with triple costs, in any court having cognizance of the same. ^{works, &c.}

Sec. 4. And be it enacted, That this act shall be in force ^{Limitation} for twenty years, and that the legislature may, at any time, ^{of act.} alter, modify or repeal the same; and that this act be ^{Act may be} deemed and taken as a public act, and at all times recogni- ^{altered or re-} altered as such, in all courts and places whatever. ^{pealed.}

Passed February 22, 1842.

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AN ACT to incorporate "The Union Temperance Beneficial Association of Camden, New-Jersey."

WHEREAS, a number of the inhabitants of the city of Camden, in this state, have formed themselves into an association, or society, to which they have given the name of "The Union Temperance Beneficial Association of Camden, New-Jersey," the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty or other cause, be rendered incapable of attending to their usual trade or calling; and, also, towards the decent interment of deceased members, or the deceased wives of members; ^{Preamble.} **AND WHEREAS,** it is believed an act of incorporation will promote the objects of the association, and add to the security of the property thereof; and the said association having, by petition presented to the legislature, prayed to be incorporated:—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Caleb Roberts, Jesse Cole, Joseph C. ^{Names of} De Lacoar, Edward Morgan, Edward Dougherty, George ^{corporators.} Finch, John T. Woolson, Henry Davis, and all such other persons, not exceeding four hundred, as now are, or here-

Style of incorporation. after may become members of said society, be and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "The Union Temperance Beneficial Association of Camden, New-Jersey," and by that name, they and their successors shall have continual succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name as aforesaid, under their common seal, may make and enter into, form, and execute any contracts or agreements relating to, or touching and concerning the objects of the said incorporation.

General Powers.

Officers and mode of electing.

Sec. 2. *And be it enacted,* That, for the more effectual accomplishment of the objects of the said corporation there shall be a president, vice-president, secretary, treasurer, messenger, four stewards, and three trustees and such other officers and assistants as shall be deemed necessary; who shall be elected by ballot, by a majority of the members present, at a meeting convened for that purpose, of which two weeks notice shall be given, by publishing the same in a newspaper published at Camden, in the county of Gloucester.

What real and personal estate may be held by corporation.

Sec. 3. *And be it enacted,* That the estate and property, of what kind soever the same may be, now held, or which may be hereafter held by the said society, shall be vested in the body politic and corporate hereby created; which said body politic and corporate shall, by their name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, possess and convey, for the use and benefit of said association, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same; *provided,* that the clear yearly value or income of the real and personal estate of the said corporation shall not exceed two thousand dollars.

proviso.

May make & adopt constitution and by-laws.

Sec. 4. *And be it enacted,* That the said corporation be and they are hereby authorized and empowered to make, adopt and use, and from time to time to alter, amend or change, as by them may be deemed expedient, such general form of constitution and by-laws, for the transaction of the

business, and for effecting the purposes and objects of the association aforesaid, as to the members thereof, or a majority of them, when duly convened, shall be deemed right and proper; *provided*, that nothing in said constitution *Proviso.* and by-laws shall be repugnant to the constitution and laws of the United States or of this state.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the association hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities or otherwise, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided for in the constitution and by-laws of said association; and such other necessary expenses as may accrue in carrying into effect the objects set forth in the preamble, and in this, as well as in the foregoing sections of this act; and that no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act. *Objects of incorporation.*
Funds not to be used for banking purposes.

Sec. 6. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act as they shall think proper. *Act to take effect immediately, and may be repealed.*

Passed February 23, 1842.

AN ACT to divorce Nancy Vliet from her husband, William Vliet.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Nancy Vliet, of the county of Warren, and her husband, William Vliet, be and the same is hereby dissolved, as fully to all intents and purposes as if they never had been joined together in matrimony. *Nancy Vliet divorced from her husband.*

Passed February 24, 1842.

AN ACT to divorce Theodosia H. Cumming from her husband Samuel T. Cumming.

Theodosia H. Cumming divorced from her husband. Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Theodosia H. Cumming be and she is hereby divorced from her husband Samuel T. Cumming, and that the marriage contract heretofore existing between them, be and the same is hereby fully and absolutely dissolved; *provided, nevertheless*, that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Infant daughter to be committed to the care of her mother. Sec. 2, *And be it enacted*, That Theodosia Coxo Cumming, an infant daughter of the said Samuel T. Cumming and Theodosia H. Cumming, being the only issue of said marriage now living, be and she is hereby committed, during her infancy, to the care of her said mother, who shall be the guardian of said infant's person and estate during her minority; and that the said Samuel T. Cumming shall not have or exercise any power or control over his said daughter, during her minority, for or by reason of his paternity.

S. T. Cumming released from obligation to maintain daughter. Sec. 3: *And be it enacted*, That the said Samuel T. Cumming be and he is hereby released from the civil obligation to support and maintain his said daughter, which would have rested upon him in case this act had not been passed.

Passed February 25, 1842.

AN ACT authorizing the County Courts in the several counties in this state, to adjourn over in such a manner as the public convenience may require.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall be lawful for the Inferior Courts of Common Pleas, the Courts of General Quarter Sessions of the Peace, and Orphans' Courts, in the several counties of this state, when in ses-

tion, to adjourn over from any day in the term, to any subsequent day in the same term, whenever the convenience of the public, and the said Courts respectively, shall require such adjournment : and in every case of such adjournment, all suits, indictments, process, orders, rules, recognizances, and other proceedings pending in such Courts, shall be continued to the time to which such adjournment shall be made, without prejudice to any of the parties therein, and may then be proceeded in according to law, in the same manner as if such Court or Courts had been adjourned from day to day ; *provided*, that no such adjournment shall be made for more than one week at any one time during the same term.

Certain courts may adjourn from any day in the term to any subsequent day in same term.

Proviso.

Passed February 25, 1842.

AN ACT to Divorce Catharine E. McLean from her husband Alexander Clinton McLean.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Catharine E. McLean, of the county of Cumberland, be and she is hereby divorced from her husband, Alexander Clinton McLean, and that the marriage contract heretofore existing between them, be and the same is hereby absolutely dissolved ; *provided however*, that nothing herein contained shall be construed or taken to render the issue of said marriage illegitimate.

Catharine E. McLean divorced.

Passed February 26, 1842.

AN ACT to divorce Rebecca D. Henry, from her husband, John Henry.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Rebecca D. Henry and her husband John Henry be and the same is hereby absolutely dissolved. *Provided however*, that nothing herein contained shall be construed to render the issue of said marriage illegitimate.

Rebecca D. Henry divorced from her husband.

Passed February 26, 1842.

AN ACT to incorporate the Relief Beneficial Association of the township of Lower Penns Neck, Salem County, in this state.

Names of
Corporators.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same That William A. Dick, Isaac Lippincott, Martin Patterson, Thomas D. Bradway, Elijah Hancock, Michael Powers, John Casperson, David Chamberlain, Samuel Palmer, Peter Sparks, James P. Fogg, John Wright, John Todd, Ephraim T. Shaw, Firman Fogg, Isaac Snitcher, William Patterson, Samuel Powers, Samuel Lippincott, and all such other persons as now are, or hereafter shall become associates of the Relief Beneficial Association of the township of Lower Penns Neck, Salem county, in this state, shall be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of the Relief Beneficial Association of the township of Lower Penns Neck, Salem county, New-Jersey.

Style of incorporation.

General Powers.

Sec. 2. And be it enacted, That the said corporation by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity, and may have a common seal, and have power to alter the same at their pleasure, and by their common seal enter into and execute contracts and agreements; and such corporation shall have full power to make and adopt such laws and regulations as they may think proper, not inconsistent with the laws of the United States or of this state.

Amount of stock and objects of incorporation.

Sec. 3. And be it enacted, That the capital stock of said corporation shall not exceed the sum of three thousand dollars, which shall be applied to the nursing and attendance of members while sick, the purchase of necessaries for such sick members, the payment of physicians bill, the funeral expenses of deceased members, and the deceased wives of members, and such other incidental expenses as may be needful to further the objects of the said society.

Officers how elected.

Sec. 4. And be it enacted, That the said corporation shall have power to elect, annually, out of their own body, a president, and such other officers and assistants as shall be necessary for conducting the affairs of said corporation according to their constitution; and the president shall keep in his custody the common seal of said corporation.

tion, and deliver it, at the expiration of his term of office, to his successor.

Sec. 5. *And be it enacted*, That the constitution and by-laws of said corporation shall be binding and imperative on the different members, and may be enforced by suit and by-laws against defaulting members, in the corporate name of said company, before any court having competent jurisdiction. *Constitution and by-laws how enforced.*

Sec. 6. *And be it enacted*, That the Legislature may at any time hereafter, alter, amend, modify, or repeal this act as they may think proper. *Act may be altered or repealed.*

Passed February 28, 1842.

AN ACT to appoint a Trustee to sell Real Estate of John W. Flatt.

WHEREAS it has been represented to the legislature by John A. Flatt and Miriam C. Flatt, the children and heirs at law of John W. Flatt, of the township of Woodbridge, in the county of Middlesex in this state, that the said John W. Flatt left his residence more than a year since, in a state of aberration of mind, under which he had labored at intervals for several years, and that he has not since been heard of, notwithstanding the most diligent search has been made for him; that the said John W. Flatt was, at the time of absenting himself, seized of certain real estate in the counties of Middlesex and Essex; that he left a considerable amount of debts unpaid, and that there are no means of paying the same but by the sale of said real estate, or a portion thereof;—
Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Lewis Corey, of Rahway in the county of Middlesex, be and he is hereby appointed a trustee, with full power and authority to sell, at public or private sale, for the highest price the same will bring, the real estate of the said John W. Flatt, or so much thereof as may be sufficient to pay the just debts and liabilities of the said John W. Flatt; first giving notice of the time and place of sale, in one newspaper printed in Rahway, in the county of
Trustee appointed to sell real estate of J. W. Flatt.

Interest
vested in
purchaser.

Middlesex, for at least four weeks previous to the time of such sale, and to make, execute and deliver to the purchaser or purchasers a good and sufficient conveyance for the same; which conveyance shall vest in the purchaser or purchasers, his, her or their heirs and assigns, all the right title and interest which the said John W. Flatt had in the lands and premises so sold and conveyed at the time of absenting himself as aforesaid.

Disposition of
proceeds of
sale.

Sec. 2. *And be it enacted*, That the said trustee shall keep a fair account of the moneys arising from the sale of the said lands and real estate, and after deducting all reasonable charges for expenses and fees for his services, and after paying all the just debts and liabilities of the said John W. Flatt, shall have and hold the balance in trust for the heirs at law of the said John W. Flatt, and the said trustee shall take charge of the land and real estate aforesaid remaining unsold; and shall farm out the same, and keep it in good repair; and shall annually pay over the rents and profits thereof, together with the interest of the moneys in his hands, for the benefit of the heirs at law of the said John W. Flatt, until they shall be legally entitled to the said real and personal estate; and the said trustee shall within one year after the sale of said real estate, file an account in the office of the Secretary of State of this State of his receipts and disbursements of the trust funds; *provided*, that nothing in this act contained shall be construed, in case of the return of the said John W. Flatt, and of his restoration to sound and sane mind, to deprive him of his legal rights, in and to so much of the said real and personal estate, as shall remain unsold or unappropriated.

Proviso.

Trustee to
give bond to
Ordinary.

Sec. 3. *And be it enacted*, That the said Lewis Corey shall before entering upon the execution of the trust reposed in him by this act, enter into bond to the Ordinary or Surrogate General of this state, in such sum and with such security, being at least two freeholders, and such as said Ordinary shall approve, conditioned for the faithful performance of the said trust: which bond shall be deposited in the register's office of this state, and in case said bond shall become forfeited, it shall and may be lawful for the governor of this state, for the time being, to cause the same to be prosecuted in any court of record, at the request and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture,

Passed February 28, 1842.

AN ACT to authorize William P. Forman, Guardian of Catharine Eliza Baird, Jacob Baird, Mary Baird and Sarah Matilda Baird, minor children and heirs at law of General Rei Baird, deceased, to sell certain Real Estate.

WHEREAS, General Rei Baird of the county of Monmouth, died seized and possessed of real and personal estate, in said county, leaving a widow and four children, to wit : Sarah A., his widow, who has since intermarried with William W. Mershon, and Catharine Eliza Baird, Jacob Baird, Mary Baird and Sarah Matilda Baird, his only children and heirs at law ; **AND WHEREAS**, the said real estate consists of a tavern-house and about sixty-five acres of land, situated in the township of Upper Freehold, in the county aforesaid, formerly called "Britton's Tavern," which is represented as diminishing in value, and being unproductive ; **AND WHEREAS**, the said Sarah A. Mershon, William W. Mershon, and William P. Forman, the guardian of the said infant heirs, have represented to the Legislature that it will be for the interest of the said heirs, and all parties concerned, that the said property should be sold ; and due notice of this application having been given, and no cause appearing to the contrary :—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said William P. Forman, guardian as aforesaid, be and he is hereby authorized and empowered to sell the said premises, at public vendue, to the highest bidder, first giving thirty days' notice of the time and place of said sale, in one of the public newspapers printed and circulated in said county of Monmouth, and, also, by handbills set up for the like space of time, in at least ten of the most public places in the neighborhood of the said property, previous to the day of sale ; and when sold, to make, execute and deliver, in his own name, as guardian as aforesaid, good, legal and sufficient deed or deeds therefor, to the purchaser or purchasers thereof ; which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate, all the right, title and interest of the said infant heirs, and the said Sarah A. Mershon, of, in and to the said real estate.

Disposition
of proceeds
of sale.

Proviso.

Account of
sales to be
filed with
surrogate.

Guardian to
give bond to
Ordinary.

Sec. 2. *And be it enacted*, That one-third of the said purchase money shall be and remain secured, by bond and mortgage, on the said property, when so sold as aforesaid for the use and benefit of the said Sarah A. Mershon, she to receive the available interest thereof, for and during her natural life, in satisfaction of her right of dower in the same; *provided*, that in case, after the said infants arrive at lawful age, they should extinguish the widow's right by purchase or otherwise, they shall be empowered to collect and receive the purchase money secured by such bond and mortgage.

Sec. 3. *And be it enacted*, That the said William P. Forman shall keep a full, fair and just account of the sale or sales, by him made by virtue of this act, and of the costs and expenses thereof; and shall exhibit the said account, under oath or affirmation, to the Orphans' Court of the county of Monmouth, within six months after such sale or sales shall be made, to be approved by the said court, and filed in the surrogate's office of the said county; and the said William P. Forman after deducting from the two-thirds of the proceeds of the said sale or sales, all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, shall invest the residue of the said two-thirds of the said purchase money, under the direction of the said Orphans' Court of the county of Monmouth, for the benefit of the said infants.

Sec. 4. *And be it enacted*, That the said William P. Forman before making such sale, shall enter into bond to the Ordinary of this State, in such sum, and with such security, as the said Orphans' Court shall direct and approve, conditioned for the faithful performance of the duties enjoined by this act: which said bond shall be deposited in the office of the surrogate of the said county of Monmouth; and in case the said bond shall become forfeited, it shall and may be lawful for the said Orphans' Court to cause the same to be prosecuted, at the request and for the benefit, and at the proper costs and charges of any person or persons aggrieved by such forfeiture.

Passed February 28, 1842.

AN ACT respecting the Volunteer Company called the Lambertville Cadets, in the county of Hunterdon.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Company called the Lambertville Cadets, in the county of Hunterdon, shall meet for the purpose of training and improving in martial exercise, by company, upon the Tuesday preceding the day appointed by law for the regimental training to which said company is attached, instead of meeting with said regiment. Time of meeting.

Sec. 2. *And be it enacted,* That at the meeting of said company on the Tuesday preceding the regimental training, the captain or commanding officer of the said company shall make a return of the state of said company, their arms and equipments, and deliver the same to the Brigade Major, at the regimental training, to be incorporated in his return of the regiment; and in all other respects, the said company shall be subject to the laws and regulations provided for the government of the militia generally. Return of company to be made to Brigade Major.

Sec. 3. *And be it enacted,* That this act shall go into operation immediately after the passage thereof. Act to take effect immediately.

Passed March 1, 1842.

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AN ACT for the relief of the stockholders of the Morris and Essex Rail Road Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for any incorporated rail-road company in this state, to aid the stockholders or proprietors of "The Morris and Essex Rail Road Company" in constructing or repairing their rail road, by loan of money, credit, or other means, as may be agreed on by the parties, and as may be necessary and proper for the construction or repair thereof; *Provided always,* that such loan be assented to by the owners of two-thirds of the Railroad companies authorized to loan money to Morris & Essex Railroad Company. Proviso.

stock represented at a meeting of the stockholders of the Morris and Essex Rail Road Company and of the company proposing to make said loan, called upon the like notice as the annual meeting of the stockholders of said company is, required to be called; and all bonds and evidences of debt, with all mortgages and pledges given to secure the re-payment of such loan, shall be valid in law and equity.

Parts or portions of road, not to be mortgaged. Sec. 2. *And be it enacted,* That it shall not be lawful to subdivide the corporate franchises and privileges incident to the corporation, by mortgaging any separate portion or portions of the line of the road; and in the event of any sale under a decree of foreclosure, or judgment, no division of said road into separate parts shall be permitted, but the whole line of said road shall be held to be indivisible; and the purchaser or purchasers shall be invested with all the franchises, powers, privileges, and rights, which, by their charter, were conferred on the incorporators, subject, nevertheless, to all the restrictions, conditions and limitations, contained therein.

Privileges of stockholders in case of sale of Morris & Essex Rail Road. Sec. 3. *And be it enacted,* That if at any time hereafter the rail road of the said "The Morris and Essex Rail Road Company," with the privileges, appendages, and appurtenances thereunto belonging, and the chartered rights and franchises of said company shall be sold by virtue of any judgment or decree, the stockholders of said company, or so many thereof as shall within thirty days after such sale elect so to do, by notice in writing to the treasurer of the said company, shall have the right and privilege, within forty days after such sale, to redeem the same by paying the amount for which the same were sold, out of their own private funds, with the interest thereon; and thereupon the stockholders so electing and paying, shall be entitled to the said rail road, with the privileges, appendages, and appurtenances, to the same belonging, and all the chartered rights, franchises and stock of said company, in proportion to the sums by them respectively advanced for such redemption.

Public act to take effect immediately. Sec. 4. *And be it enacted,* That this act shall be deemed and taken to be a public act, and shall go into effect immediately after the passage thereof.

Passed March 1, 1842.

A SUPPLEMENT to an Act entitled "A Further Supplement to the act entitled 'An Act to establish and confirm the charter rights and privileges of the Borough of Elizabeth.'"

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the further supplement to the act entitled "An Act to confirm the charter rights and privileges of the Borough of Elizabeth," as relates to and includes the townships of Westfield and Rahway, be and the same is hereby repealed. Part of former act repealed.

Provided always, That this act shall not apply to, or have operation upon any suit or proceeding of a civil or criminal nature now pending in said Courts, or either of them, nor to any process, original, mesne or final, already issued out of either of the said Courts. But all such suits may be proceeded in to hearing, trial and final judgment, and execution issue thereon; and process issuing out of either of the said Courts shall be served by the proper officer in the said Townships of Rahway and Westfield as fully as if this act had never passed; and the said Courts shall possess the same power to enforce obedience to any such process as it possessed before the passage of this act. Proviso.

Passed March 1, 1842.

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AN ACT to incorporate the Trenton Insurance Company, in the county of Mercer.

Section 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns are hereby constituted and made a body corporate and politic, by the name and style of "The Trenton Insurance Company;" and by that name shall be known in law, and have power to sue and be sued, and to Style of incorporation.

dispose of the same forthwith, as the directors by resolution, shall direct.

What property may be insured.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the company to insure houses and other buildings and personal property against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

Regulations respecting policies.

Sec. 10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or president pro tempore, or by such other officer as may be designated for that purpose by the said company, and attested by the secretary, and being so subscribed and attested shall be obligatory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts so made, subscribed, attested and executed, and the loans and other business of the company may be made, conducted and carried on without the presence of the whole board of directors, but by such committees or otherwise as the board may authorize, and the same shall be binding on the company.

President and directors to appoint judges of election.

Sec. 11. *And be it enacted*, That for the well regulating and conducting of the election of directors, the president and directors for the time being, shall previously thereto appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same and seven stockholders shall constitute a quorum for the transaction of business, notice of the meeting being given to all.

Meetings, how called.

Sec. 12. *And be it enacted*, That the board of directors or fifteen stockholders being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of the said company, previously advertising the time and place of such meeting, for at least two weeks, in the newspapers printed in Trenton, and mentioning the object of such meeting.

What real estate may be held.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate, or securities bona fide mortgaged or pledged to the said company, to secure the payment of any debt which may be contracted with said company; and also to proceed on the said mortgages or

other securities for the recovery of the moneys thereby secured, either at law or in equity, or otherwise in the same manner as any other mortgagee is or shall be authorized to do; and also to purchase on sales made by virtue of any judgment at law or any order or decree of a court of equity, or any other legal proceedings, or otherwise to take and receive any real estate in payment, or towards satisfaction of any debt previously contracted, and due to the said company; and to hold the same until they can conveniently sell or convert the same into money, or other personal property; *provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof, for or in any banking operations, or in the purchase and sale of any stock or funded debt created, or to be created, under any law of the United States, or of any particular state, or to emit any notes, or bills, or securities for the payment of money, except under the seal of the said company; but it shall nevertheless be lawful for the said company to purchase and hold any such or other stock or funded debt, for the purpose of investing therein any part of their capital stock, funds or moneys; and also to sell and transfer the same, and again to renew such investments, when and as often as the exigencies of the said company, or a due regard to its interests shall require; and also to make loans of its capital stock, funds and moneys on bonds and mortgages, and the same to call in and reloan, as occasion may render expedient.

Company not to engage in Banking operations.

Sec. 14. *And be it enacted*, That the stock of the said company shall be assignable and transferable according to such rules, and subject to such regulations and conditions, as the board of directors may from time to time establish, and that the said stock shall be considered personal property.

Stock, personal estate and transferable.

Sec. 15. *And be it enacted*, That it shall be lawful for the directors of the said company to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders, or to their legal representatives; but the dividends shall at no time exceed the amount of clear profits made by the said company, and the capital stock shall be and remain unimpaired, and if the said directors shall at any time knowingly make dividend of the capital stock as aforesaid, they shall be individually liable for the proportion of stock so divided, and an action of debt may be brought against them, or any of them, their executors or administrators, in any court of record in this state, by any creditor of said company, and may be prosecuted thereon

Dividends how & when to be made.

to judgment and execution ; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give notice to the stockholder of the declaring of such dividend.

Annual statement of affairs to be made. Sec. 16. *And be it enacted,* That at the annual meeting for choice of directors, a statement of the affairs and business of the company for the preceding year, shall be made out and shown for the general satisfaction of the stockholders.

Officers to take an oath or affirmation. Sec. 17. *And be it enacted,* That each director, the secretary, and every other officer of said company shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, (as the case may be) faithfully to exercise the duties of his office according to the best of his skill and understanding, which oath or affirmation may be administered by any judge of the Inferior Court of Common Pleas, or justice of the peace of this state.

Books of account to be open for inspection of stock holders. Sec. 18. *And be it enacted,* That the said company shall cause to be kept at their office, proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Limitation of act. May be altered or repeal'd Sec. 19. *And be it enacted,* That this act shall continue in force for the space of twenty-five years ; but it shall and may be lawful for the legislature at any time to alter or repeal the same.

Passed March 2, 1842.

AN ACT to divorce Ezekiel Wilcox, from his wife, Mary Wilcox.

Ezekiel Wilcox divorced from his wife Mary Wilcox. Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Ezekiel Wilcox, of the township of Rahway, in the county of Essex, and State of New-Jersey, be divorced from Mary Wilcox, his wife : and that the bond of matrimony between the said Ezekiel and Mary, be, and from the passage of this act the same shall be, absolutely dissolved and made void.

Sec. 2. *And be it enacted,* That within thirty days from the passage of this act, the said Ezekiel Wilcox shall surrender and give up to the said Mary Wilcox, all the lands and goods, and chattels, which he, the said Ezekiel, has now in his possession, and which belonged to the said Mary at the time she married the said Ezekiel; and shall pay to her, the said Mary, the sum of five hundred dollars, also within the said thirty days.

Passed March 2, 1842.

AN ACT for the relief of Sebastian Boughner of the county of Hunterdon.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall and he is hereby authorized and required to pay Sebastian Boughner, of the aforesaid county, a soldier in the service of the United States in the revolutionary war, or to his order, the sum of sixty dollars per annum, to be paid to the said Sebastian Boughner in half yearly payments, from the passing of this act, during the lifetime of the said Sebastian Boughner, the first payment to be made on the passage of this act; and the receipt of the said Sebastian Boughner, or his order, shall be a sufficient voucher to the treasurer for such sums so paid as aforesaid, in the settlement of his accounts.

Pension to
Sebastian
Boughner
of sixty doll.
per annum.

Passed March 2, 1842.

**AN ACT for the relief of The First Presbyterian Church
Mount Holly.**

Preamble.

WHEREAS, the trustees of The First Presbyterian Church of Mount Holly, have, ever since their incorporation been, and now are, in the quiet and undisputed possession of a lot of ground known as the Presbyterian meeting-house lot and grave yard, situated in the town of Mount Holly, in the county of Burlington, lying on the north side of Brainard-street, adjoining the Friends' burial-ground on the north, the Methodist meeting-house lot on the west, and the Free School-house on the east: **AND WHEREAS**, the same has ever since, a considerable period prior to the revolution, up to the time of said incorporation, been in the quiet and peaceable possession of the members of the Presbyterian congregation of Mount Holly, except whilst occupied by the British, during part of the war: **AND WHEREAS**, it is the intention of the said trustees to remove the remains of the few interments there made, to a more suitable and befitting place with becoming decency and respect: **AND WHEREAS**, the sale of the said lot, by a regular resolution of the said trustees, is deemed to be highly necessary for the welfare of the said church to enable them thereby to procure a more suitable lot of ground, and to erect thereon a house of worship, for the use of the said congregation: **AND WHEREAS**, the trustees of the said church believe that the authority and sanction of this legislature would facilitate the sale of the said lot of land—**Therefore,**

Trustees of
the 1st Pres.
Church in
Mount Holly
invested with
right, title &
interest in
certain real
estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the trustees of The First Presbyterian Church of Mount Holly be, and they hereby are invested with the same right, title, interest, and estate of, in, and to the lot of ground described in the preamble to this act, as fully as the same was ever vested in the members of the congregation of the said Presbyterian Church, at any time since the period of their original formation; and that it shall and may be lawful for the said trustees of The First Presbyterian Church of Mount Holly, by their president and trustees, or a majority of them, to grant and convey, in fee simple or otherwise, all and singular the said lot of land, and to make, execute, and deliver to the purchaser or purchasers thereof, such a deed or deeds, conveyance or conveyances,

as will convey all the right, title, and interest of the said trustees of the said church to the same.

Sec. 2. *And be it enacted*, That the said deed or deeds, to the purchaser or purchasers of said premises, executed by the said president and trustees, or a majority of them, shall vest in the purchaser or purchasers thereof as good and sufficient a title and estate in the said premises as the said trustees may have therein at the time of such conveyance or conveyances. Interests vested by president and trustees' deeds.

Passed March 3, 1842.

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AN ACT to divorce William Scott, of the county of Passaic, from his wife, Elizabeth Scott.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William Scott, of the county of Passaic, be and he is hereby divorced from his wife, Elizabeth Scott; and that the marriage contract now existing between them, be and the same is hereby dissolved; *provided*, that nothing herein contained shall be construed or taken to render the issue of said marriage illegitimate. William Scott divorced from his wife Elizabeth Scott.

Passed March 3, 1842.

—o—

AN ACT constituting an Independent Battalion in the county of Passaic.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That an independent uniform battalion be, and the same is hereby formed in the county of Passaic, to be composed of the company of Passaic Guards, the Union Cadets, the Lancers, and the Washington Temperance Guards, and Independent Battalion how composed.

such other uniformed companies within the bounds of the Passaic Brigade as may elect to join said battalion, and the battalion court of appeals may choose to receive in the said battalion.

Time of meeting of Battalion. Sec. 2. *And be it enacted,* That the said battalion shall meet for exercise and inspection on the first Monday of June, in each year, and on such day as the commandant of the battalion shall appoint, and that a written or printed notice thereof signed by the commandant of the battalion and posted in three of the most public places in the battalion, for ten days previous to such parade shall be deemed legal notice thereof.

Court of Appeals how constituted. Sec. 3. *And be it enacted,* That the battalion court of appeals shall consist of the commandant of the battalion and the captains, and that the said battalion shall be entitled to all the privileges, and subjected to all the penalties an independent battalion may, by the laws of this State, be subjected to.

Money collected from fines how to be appropriated. Sec. 4. *And be it enacted,* That the moneys annually collected from fines imposed on delinquents in said battalion, be appropriated to the uses and purposes of the several companies composing said battalion, from which the same may be collected, and the paymaster of said battalion shall annually settle his accounts with the battalion court of appeals.

Act when to take effect. Sec. 5. *And be it enacted,* That this Act shall take effect upon the passage thereof.

Passed March 3, 1842.

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AN ACT to authorize the sale of certain real estate formerly of Samuel Van Tine, deceased.

Preamble.

WHEREAS, it is represented to the Legislature, that Samuel Van Tine, deceased, formerly of the county of Middlesex, in this State, departed this life, leaving a last will and testament executed in the manner required by law to pass real estate, wherein he did, among other things, devise as follows, to wit: "I give to my daughter, Hannah Van Tine, and to the heirs of her body lawfully



begotten, and their assigns, that plantation purchased from Samuel Buckalew, county of Monmouth, and State of New-Jersey, and also that plantation purchased from Moses Goe and Peter Demun, lying and being in the county and state aforesaid, to her my said daughter Hannah and her heirs and assigns forever, with this proviso, that I may sell the same; all the moneys arising by the sale, I give to her and her heirs of her body lawfully begotten forever;" and that the said Samuel Van Tine did, after the making of his said will, and before his decease, sell and convey in fee simple, the plantation first above mentioned, and also thirty-four acres and a quarter, or thereabouts, of the plantation last above mentioned; and that the residue of said last mentioned plantation, upon the decease of said testator, passed to his said daughter Hannah and her heirs by virtue of the aforesaid will, which was duly proved and recorded; and that she afterwards intermarried with John Outcalt, and had by him children, to wit: Jane, who intermarried with Nathan Overton—Mary, who intermarried with Daniel P. Pierson—Margaret, who intermarried with Samuel Overton—Eliza, who intermarried with Jacob B. Gaddis, John D. Outcalt and Catharine Outcalt; and that the said Nathan Overton and Jane his wife, have departed this life, leaving five children, to wit: Isaac O. Overton, aged twenty-two years, Matilda, John, Mary, and Jane, who are minors, the youngest being fifteen years of age; and that the said Mary, wife of Daniel P. Pierson, hath also departed this life, leaving four minor children, issue of her said marriage, to wit: Samuel, Josiah, Selina, and Gertrude; and that the said Samuel Overton is also deceased, leaving his said wife surviving him; AND WHEREAS, the said John Outcalt and Hannah his wife, John D. Outcalt, Catharine Outcalt, Margaret, widow of Samuel Overton, Daniel P. Pierson, Jacob B. Gaddis and Eliza his wife, have by their petition, represented to the Legislature that said land which the said Hannah Outcalt took from her father under the aforesaid devise, is situate in the township of Howell, in the county of Monmouth, adjoining lands of Thomas Allen, lands late of James Morris, deceased, and lands late of Amos Tilton, deceased, and contains about one hundred acres; and that the same is woodland, lying at a great distance from the residence of the persons interested therein, subject to taxation from year to year, and yields no income in its present condition; and that the same can now be advantageously sold, if a good title for the same in fee

simple can be made to the purchaser ; and that it is for the interest of all parties concerned, that the same should be so sold and conveyed at this time—Therefore,

Trustee
authorized to
sell certain
real estate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same* That James C. Van Dyke, of the county of Somerset, be and he is hereby appointed trustee, with full power and authority to sell at public or private sale for the best and highest price that can be obtained for the same, all the aforementioned lot of land and premises, either in parcels or otherwise in the discretion of the said trustee.

Trustee to
make report
to Ordinary.

Sec. 2. *And be it enacted,* That after the sale of said land, or any part thereof, as aforesaid, the said trustee shall report the same with all convenient speed to the Ordinary of this State; and the Ordinary in the Prerogative Court, shall have full power and authority to approve of the said sale or sales, or in legal discretion to set aside the same or any of them, and thereupon to make such further order in the premises as may be necessary to carry into effect the true intent and meaning of this act.

Trustee to
make deeds
vesting in-
terest in
purchasers.

Sec. 3. *And be it enacted,* That after the said sale or sales as the case may be, shall be approved of by the Ordinary in the Prerogative Court, but not before, the said trustee shall, in pursuance of the order of the said Court, make, execute and deliver to the purchaser and purchasers thereof, good and sufficient deed and deeds of conveyance for the same, which said sale, approbation, order and deed or deeds of conveyance, shall vest in the purchaser or purchasers as perfect and indefeasible estate of inheritance as the said Samuel Van Tine had in the said premises in his lifetime.

Sec. 4. *And be it enacted,* That the said James C. Van Dyke, trustee as aforesaid, shall account for the proceeds of the said sale and sales in the Prerogative Court of this State at such time and in such manner as the Ordinary shall direct.

Disposition of
proceeds of
sale.

Sec. 5. *And be it enacted,* That the Ordinary shall and may in the Prerogative Court take order justly and properly to invest the nett proceeds of the said sale or sales, so that the annual interest thereof shall be paid to the said John Outcalt and Hannah his wife during their joint lives, and to the survivor of them during the life of such survivor ; and after the death of said John and Hannah, the principal sum of the nett proceeds, shall by the order of the same court be paid to the issue of the said Hannah in the same proportion as they would have been entitled to the said lands and premises in case this act had not been passed.

Sec. 6. And be it enacted, That the said James C. Van Dyke shall, before he proceed to execute the power and authority vested in him by this act, enter into bond to the Ordinary of this State, in the penal sum of twenty-five hundred dollars, with one or more good sureties to be approved in the Prerogative Court and filed with the Register thereof, conditioned that he, the said James C. Van Dyke, will, in all things, faithfully execute and discharge his powers and duties as trustee under this act, which bond shall be good to all intents and purposes, and pleadable in any court of justice, and in case it be forfeited, may, by authority of the Ordinary, be prosecuted at the request and for the benefit, and at the cost of any person or persons aggrieved by such forfeiture.

Sec. 7. And be it enacted, That in case of the decease of the said James C. Van Dyke, or in case the said James C. Van Dyke shall neglect to perform any of the duties imposed upon him by this act, or in case he shall abuse any of the powers hereby vested in him; then and in such case, the Ordinary is authorized and directed to remove him from his said office, and to appoint another or others in his stead, and such newly appointed trustee or trustees upon giving bond as aforesaid, shall be vested with all the rights and powers which belonged to or were vested in said James C. Van Dyke by virtue of his said office of trustee, and shall be subject to the same duties and obligations.

Ordinary may appoint other trustees in certain cases.

Passed March 3, 1942.

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A FURTHER SUPPLEMENT to an Act, entitled "An Act concerning Inns and Taverns," passed the twenty-fourth of February, seventeen hundred and ninety-seven.

Sec. 1. BE IT ENACTED by the Council and General Assem- Who shall
ly of this State, and it is hereby enacted by the authority of recommend
the same, That the freeholders required to recommend to the persons for
courts suitable persons for license to keep inns and taverns, license to
by the first section of "An Act to alter and amend the act keep inns, &c.
entitled "An Act concerning Inns and Taverns," passed

the first of June, eighteen hundred and twenty. shall be such as shall not have recommended any other application for a license under said section, in the same township, city or borough, for the same year.

Courts of
Common
Pleas may
grant licenses
to keep tem-
perance inns.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the Courts of Common Pleas of the several counties in this state, to grant licenses to keep temperance inns and taverns in said counties, on applications of similar form and accompanied by like recommendations as are required by "An Act concerning inns and taverns," passed twenty fourth February, seventeen hundred and ninety-seven, and of the several supplements thereto; excepting that applications for such temperance licenses shall distinctly state the intention of the applicant to keep a temperance house.

Sec. 3. *And be it enacted*, That the license to be issued on such application, shall be in the following form—

Form of
License.

_____ county, to wit:
At the Court of Common Pleas in and for the said county, held at _____ in the same, the _____ day of _____, in the year of our Lord one thousand _____. The said court do hereby allow and license A. B. of the township of _____, in the county aforesaid, to keep a temperance inn and tavern in the house wherein _____ dwells, for one whole year from the day above said, and no longer, so that the said A. B. shall use and exercise this license, during the said term, according to the tenor and true meaning of the laws in such case made and provided.

Given under my hand and the seal of the said Court, the _____ day and year first above written. C. D. Clerk.

Persons licen-
sed to give
bond.

Sec. 4. *And be it enacted*, That every person, before he or she shall receive a license to keep a temperance inn and tavern, shall become bound, by recognizance to the state, in the sum of one hundred dollars as principal, with two sufficient sureties, being freeholders in the county, in the sum of fifty dollars each, to be taken before the Court, that shall grant the said license, with condition following, to wit:

Condition
of bond.

"The condition of this recognizance is such, that whereas the above bounden A. B. is licensed by the Court to keep a temperance inn and tavern, in the house where _____ dwelleth, in the township or precinct of _____, in the county of _____, for the space of one year next ensuing: If therefore the said A. B. during the continuance of the said license, shall not keep a disorderly inn or tavern, nor game himself or herself, nor suffer any person to game in his or her house, for money or the value of money; nor keep, offer, sell or otherwise dispose of in his or her house,

nor in any out house, yard or garden connected therewith; any vinous, fermented, spirituous, strong or intoxicating liquors; nor violate the laws made concerning inns and taverns; but shall during the said term, in all things respecting him or her as an inn-holder and tavern-keeper use and maintain good order and rule, and find and provide good, wholesome and sufficient lodging, diet and entertainment for man, and stabling and provender for horse, and observe the directions of the law relating to inns and taverns, then this recognizance to be void, or else to remain in full force and virtue."

Sec. 5. *And be it enacted*, That the applicant for such license to keep a temperance inn and tavern shall pay to the Court and clerk the same fees for said license, recognizance, and rates, as are provided for in the fifth and seventeenth sections of said act concerning inns and taverns; but shall be wholly exempt from the tax imposed and provided for in the thirteenth section of said act. Fees for License, &c. Proviso.

Sec. 6. *And be it enacted*, That the Courts of Common Pleas shall exercise the like discretion, in granting such license, and in prescribing rates for the regulation of prices under the same, as is provided for in said act concerning inns and taverns, and the several supplements thereto.

Passed March 3, 1842.



AN ACT to divorce Ann Elizabeth Hand from her husband Richard Hand.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Ann Elizabeth Hand, of the county of Cumberland, be, and she is hereby divorced from her husband, Richard Hand, and that the marriage contract heretofore existing between them, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony. Ann Elizabeth Hand divorced from her husband Rich'd Hand.

Passed March 4, 1842.

AN ACT to incorporate the New England Manufacturing Company of South Trenton.

Names of Corporators. **Style and objects of incorporation.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Stephen Hansen, David S. Brown, John H. Shortridge, Thomas J. Stryker, William Grant, John C. Benson, Benjamin Fish, Joseph C. Potts, William R. Hansen, and their associates and successors, are hereby made a body politic, by the name of "the New England Manufacturing Company of South Trenton," for the purpose of manufacturing, bleaching, and printing all goods of which cotton or other fibrous materials form a part, and all machinery incident thereto, and for the transaction of such other business as may be necessarily connected therewith, and may erect such mills and other works as may be necessary to carry on such branches of manufacture and business; and they shall have power to raise by subscription a capital of five hundred thousand dollars.

Powers and privileges of incorporation

Sec. 2. *And be it enacted,* That the said company may lawfully become seized and possessed of so much real and personal estate in South Trenton, or within three miles thereof, as may be necessary and useful for the purposes of said corporation, and may dispose of the same; may sue and be sued, in all courts whatsoever; may have a common seal, alter and renew the same at pleasure; may make by-laws for their regulation and government, not inconsistent with the constitution and laws of the United States or of this state; *provided,* said company shall not make any dividends among the stockholders, except from the actual profits of the company; nor shall the company go into operation until the amount of fifty thousand dollars of the capital stock be paid in, and an affidavit or affirmation thereof, by a majority of the directors, shall be filed in the office of the secretary of state.

Shares to be considered personal property.

Sec. 3. *And be it enacted,* That the capital stock of said corporation may be divided into as many shares as the proprietors shall think fit, which shall be numbered in progressive order, beginning at one; and each shareholder shall have a certificate, under the hand of the treasurer and the seal of the corporation, expressing the number of shares, the progressive numbers thereof, and certifying that he is the owner thereof; which shares shall be considered personal property, and be transferred upon the books of the

company in such manner as their by-laws may direct ; and the transfer books, and the books containing the names of stockholders, shall at all times during business hours be open to the inspection of all parties interested.

Sec. 4. *And be it enacted*, That all instalments declared to be due, pursuant to the by-laws of said company ; and upon the non-payment of all or any part thereof, for twenty days after the same has become payable, the treasurer may advertise for twenty days, in a newspaper printed at Trenton, and sell at public auction, so many of such delinquent's shares as may be necessary to pay the sums due, by such delinquent, with all incidental charges.

Shares forfeited for non-payment of instalments.

Sec. 5. *And be it enacted*, That the amount of the capital stock herein before prescribed to be paid in before the company goes into operation, shall be paid bona fide, and not in notes or obligations, whether secured by pledge of stock or otherwise, and so of any increase of capital thereafter made ; and no part of the capital stock shall be withdrawn and refunded to the stockholders, until all the liabilities of the said company are discharged ; and in case of any violation of any of the provisions of this section, the stockholders in said company shall be liable, jointly and severally, for all debts previously contracted by the company.

Amount of capital stock shall be paid bona fide, and not in notes or obligations

Sec. 6. *And be it enacted*, That in the month of January, in each and every year the company shall, after the passage of this act, publish a statement in one of the newspapers printed in the county of Mercer, signed by the president and a majority of the directors, and verified by their oaths or affirmations of the amount of capital paid in, and the amount of all existing debts due from the company ; and no dividend shall be declared or paid to the stockholders when such dividend or payment would render the company insolvent ; and the debts of the company shall at no time exceed the amount of its capital actually paid in ; and in case of any violation of the provisions of this section, all the stockholders of the company shall be liable, jointly and severally, for all debts previously contracted by the company, and for all that shall be contracted before such publication shall be made.

Time of making annual statement.

Debts of company not to exceed the amount of capital actually paid in.

Sec. 7. *And be it enacted*, That Stephen Hansen, David S. Brown, Thos. J. Stryker, John H. Shortridge, William R. Hansen, or any two of them, may call the first meeting of said company, at Trenton, by advertising the same in some newspaper, printed in Trenton, two weeks previous to said meeting ; and the members of said corporation, at that or any subsequent meeting, by a vote of the majority

First meeting by whom and when to be called.

AN ACT to incorporate the New England Manufacturing Company of South Trenton.

Names of Corporators. **Style and objects of incorporation.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Stephen Hansen, David S. Brown, John H. Shortridge, Thomas J. Stryker, William Grant, John C. Benson, Benjamin Fish, Joseph C. Potts, William R. Hansen, and their associates and successors, are hereby made a body politic, by the name of "the New England Manufacturing Company of South Trenton," for the purpose of manufacturing, bleaching, and printing all goods of which cotton or other fibrous materials form a part, and all machinery incident thereto, and for the transaction of such other business as may be necessarily connected therewith, and may erect such mills and other works as may be necessary to carry on such branches of manufacture and business; and they shall have power to raise by subscription a capital of five hundred thousand dollars.

Powers and privileges of incorporation

Sec. 2. *And be it enacted,* That the said company may lawfully become seized and possessed of so much real and personal estate in South Trenton, or within three miles thereof, as may be necessary and useful for the purposes of said corporation, and may dispose of the same; may sue and be sued, in all courts whatsoever; may have a common seal, alter and renew the same at pleasure; may make by-laws for their regulation and government, not inconsistent with the constitution and laws of the United States or of this state; *provided,* said company shall not make any dividends among the stockholders, except from the actual profits of the company; nor shall the company go into operation until the amount of fifty thousand dollars of the capital stock be paid in, and an affidavit or affirmation thereof, by a majority of the directors, shall be filed in the office of the secretary of state.

Shares to be considered personal property.

Sec. 3. *And be it enacted,* That the capital stock of said corporation may be divided into as many shares as the proprietors shall think fit, which shall be numbered in progressive order, beginning at one; and each shareholder shall have a certificate, under the hand of the treasurer and the seal of the corporation, expressing the number of shares; the progressive numbers thereof, and certifying that he is the owner thereof; which shares shall be considered personal property, and be transferred upon the books of the

company in such manner as their by-laws may direct ; and the transfer books, and the books containing the names of stockholders, shall at all times during business hours be open to the inspection of all parties interested.

Sec. 4. *And be it enacted*, That all instalments declared to be due, pursuant to the by-laws of said company ; and upon the non-payment of all or any part thereof, for twenty days after the same has become payable, the treasurer may advertise for twenty days, in a newspaper printed at Trenton, and sell at public auction, so many of such delinquent's shares as may be necessary to pay the sums due, by such delinquent, with all incidental charges.

Shares forfeited for non-payment of instalments.

Sec. 5. *And be it enacted*, That the amount of the capital stock herein before prescribed to be paid in before the company goes into operation, shall be paid bona fide, and not in notes or obligations, whether secured by pledge of stock or otherwise, and so of any increase of capital thereafter made ; and no part of the capital stock shall be withdrawn and refunded to the stockholders, until all the liabilities of the said company are discharged ; and in case of any violation of any of the provisions of this section, the stockholders in said company shall be liable, jointly and severally, for all debts previously contracted by the company.

Amount of capital stock shall be paid bona fide, and not in notes or obligations

Sec. 6. *And be it enacted*, That in the month of January, in each and every year the company shall, after the passage of this act, publish a statement in one of the newspapers printed in the county of Mercer, signed by the president and a majority of the directors, and verified by their oaths or affirmations of the amount of capital paid in, and the amount of all existing debts due from the company ; and no dividend shall be declared or paid to the stockholders when such dividend or payment would render the company insolvent ; and the debts of the company shall at no time exceed the amount of its capital actually paid in ; and in case of any violation of the provisions of this section, all the stockholders of the company shall be liable, jointly and severally, for all debts previously contracted by the company, and for all that shall be contracted before such publication shall be made.

Time of making annual statement.

Debts of company not to exceed the amount of capital actually paid in.

Sec. 7. *And be it enacted*, That Stephen Hansen, David S. Brown, Thos. J. Stryker, John H. Shortridge, William R. Hansen, or any two of them, may call the first meeting of said company, at Trenton, by advertising the same in some newspaper, printed in Trenton, two weeks previous to said meeting ; and the members of said corporation, at that or any subsequent meeting, by a vote of the majority

First meeting by whom and when to be called.

**Powers of
directors.**

of those present or represented, allowing one vote to each share not over twenty, may choose such directors, officers, and agents, as they may deem necessary. prescribe their duties, assess instalments, and fix the time of their payment, make by-laws, and transact such other business of the corporation as shall be lawful and they may deem necessary.

**Limitation
of act.**

Sec. 8. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years, and no longer; *nevertheless*, the legislature, at any time hereafter, may alter, amend, or repeal the same.

Passed March 4, 1842.

—o—

AN ACT to enable Henry Baker, one of the executors of the Last Will and Testament of Joseph Quimby, deceased, to execute the trust created by the said Will.

Preamble.

WHEREAS, it is represented that Joseph Quimby, late of the township of Westfield, in the county of Essex and state of New-Jersey, departed this life in the month of March, A. D. one thousand eight hundred and thirty-five, leaving a last will and testament, duly executed, bearing date the seventh day of August, one thousand eight hundred and thirty; which said will has been duly proved, and letters testamentary granted unto Gideon Ross and Henry Baker, the executors thereof; whereby, among other things, the said testator did direct his executors, or the survivor of them, to sell and convey, at their discretion, either at public or private sale, within one year after his decease, or as soon as convenient, all his estate, both real and personal; and after the payment of debts and two small legacies, did give the residue of his estate to his executors in trust, as a fund to be applied by them for the support of his wife Mary M. Quimby, and directed them to place his estate at interest, and to appropriate the interest and so much of the principal, from time to time, as might be necessary for the support of his wife, upon condition that his wife should accept the same in lieu of her dower in his whole estate, and that she should give to his executors, within six months after his decease, or when demanded, a release of all her

claim to his estate in dower or otherwise, excepting her interest in the said trust estate : and in case his wife should refuse to accept the said trust estate in lieu of her dower, that his executors should pay the said trust to other persons named in the said will ; AND WHEREAS, it is represented that the said Mary M. Quimby has, from the time of the death of the said testator to the present time, been in a constant state of mental aberration and derangement, so as to be incapable of executing a release of her dower in the estate of the said testator, and of accepting or refusing the benefits offered in the said trust ; and has ever since the death of the said testator been maintained by the said executors, out of the said estate ; AND WHEREAS, the income of the said estate has decreased through the decay of the buildings and improvements thereon, so that the profits of the same are insufficient for the maintenance of the said Mary M. Quimby ; AND WHEREAS, it was the intention of the said testator, that the income arising from his estate, and as much of the principal thereof, as from time to time, should be needed for that purpose, should be appropriated for the support and maintenance of his wife ; AND WHEREAS, a number of the persons interested in the residue of the estate, after the death of the said Mary M. Quimby, have petitioned this legislature, representing that the interest of all parties concerned would be greatly enhanced by a speedy sale of the said property, and praying a law to enable the said executors to execute the trust reposed in them by the said testator, and to sell the said real estate for the purposes ordered by the said will ; and the same appearing to this legislature to be reasonable and just : AND WHEREAS, Gideon Ross aforesaid has requested to be released from the duties imposed upon him by said will :—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, Trustee authorized to
That Henry Baker, of Westfield, in the county of Essex, sell and convey
and state of New-Jersey, be, and he is hereby appointed very real estate of Jos.
trustee, with full power to sell, dispose of and convey the Quimby, and
real estate whereof Joseph Quimby, late of the said county of to make and
Essex, deceased, died seized, situate in the towship of deliver a
Westfield, in the said county of Essex ; which said real deed or deeds
estate consists of the one-half of a two story frame dwelling- therefor.
house and about nine acres of land, with a barn and other
out buildings, and, also, about sixty acres of out lands,
situate in the township of Westfield in the county of Essex,
in the manner directed by the said will, as soon as conve-

niently may be, for the highest price the same will bring ; and when sold, to make, execute and deliver, in his own name, as trustee as aforesaid, a good and sufficient deed or deeds of conveyance for the whole of the said lands and premises, with the appurtenances thereto belonging, or such part or parts thereof as he shall sell as aforesaid, which sale or sales so made and confirmed by deeds, shall entitle the purchaser and purchasers to all the estate, right, title, interest, property, claim and demand which the said Joseph Quimby, deceased, had in the said land and premises at the time of his death, and which the heirs and devisees of the said Joseph Quimby, deceased, now have in and to the same, free and clearly discharged of and from all right and title of dower of the said Mary M. Quimby of, in and to the same, and every part thereof.

Trustee to exhibit account to the Orphans' Court of Essex County.

Balance of proceeds of sales, how to be disposed of.

Sale or conveyance under this act, not to affect the rights of any persons other than the widow, &c. of Jos. Quimby, dec.

Sec. 2. *And be it enacted*, That the said trustee, and his executor or executors, shall keep a fair account of the sales made by him under this act, and exhibit under oath or affirmation such account to the Orphans' Court of the said county of Essex, within six months after such sales shall be made, to be filed and recorded by the surrogate of the said county, and after deducting all legal costs and expenses and commissions to be allowed by the said courts, to place the whole amount of the balance arising upon such sale or sales at interest, upon good real estate security ; and to appropriate the interest thence arising, and so much of the principal thereof, from time to time, as may be necessary for the decent and comfortable support and maintenance of Mary M. Quimby, widow of the said Joseph Quimby, deceased, during her natural life ; and in one year after the death of the said Mary M. Quimby, to pay over and dispose of the balance of the proceeds of the said sales remaining in the hands of the said trustee, or his executor or executors, at the decease of the said Mary M. Quimby, to such person and persons, or their legal representatives, as under and by the said last will and testament of the said Joseph Quimby, deceased, are entitled to the same, according to the true intent and meaning of the said last will and testament of which the said trustee is an executor, and which has been proved according to law.

Sec. 3. *And be it enacted*, That no sale or conveyance of the lands or tenements of the said Joseph Quimby, deceased, made under this act, shall affect the rights or interest of any person or persons, other than the widow, heirs and devisees of the said Joseph Quimby, deceased, and their legal representatives.

Passed March 4, 1842.

**AN ACT to incorporate the "Ryerson Iron Company," in
the County of Passaic.**

WHEREAS, Peter M. Ryerson has by his petition to this Legislature set forth—that he has at great cost and personal exertion erected at Pompton, in the county of Passaic, extensive works and machinery for making and manufacturing iron in its various branches—that in the accomplishment of said undertaking he has embarked the whole of his estate—that owing to the extensive and permanent manner in which said works have been erected, and to other causes beyond the control of said Ryerson, his private capital is found inadequate, and that corporate powers and privileges are deemed essential to the accomplishment of his undertaking :—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Peter M. Ryerson, David Ryerson, Silas D. Canfield, Jacob M. Ryerson, and Peter P. Brown, and such other persons as may become associated with them, their successors and assigns, be and they are hereby incorporated by the name of "The Ryerson Iron Company," for the purpose of making and manufacturing iron and other metals in the county of Passaic, and carrying on the business incident to such manufacture, and by that name they, and their successors and assigns, shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity, and that they and their successors may have and use a common seal, and may alter the same at pleasure, and that they and their successors, by the same name and style, shall be and are hereby authorized and empowered to purchase, hold, possess, use and enjoy, to them and their successors, all or any such lands, tenements, waters, goods, chattels and effects, as shall be necessary for the purposes of said corporation, and to sell, mortgage and dispose of the same at pleasure, and also to sell or lease any surplus land or water power they may possess.

Preamble.

Names of
corporators.

Style of in-
corporation.

Powers and
privileges.

Capital stock
to be 500,000
dollars.

Sec. 2. *And be it enacted,* That the capital stock of said corporation shall be five hundred thousand dollars, which shall be divided into shares of one hundred dollars each ;

but it shall nevertheless be lawful for the said corporation to commence their said business when, and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed for and paid; and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are hereby authorized to do, from time to time, to the amount herein before mentioned.

Affairs of corporation to be managed by five directors.

Sec. 3. *And be it enacted*, That the stock, property, and affairs of said corporation shall be managed by five directors, one of whom they shall appoint their president, who shall hold their offices until the annual meeting of the stockholders to be held next after their election, and until others shall be chosen, which directors shall at all times during their continuance in office be stockholders in said company, in their own right, to the amount of at least ten shares, and shall be citizens of the United States, and shall, after the first election, be elected at the annual meeting of the stockholders, which shall be held on the third Monday of April in each year, at such hours of the day and at such place as the regulations of said corporation shall prescribe; a majority of directors shall on all occasions when assembled at such place as the by-laws of the company direct, constitute a board competent to the transaction of business, and all questions before them shall be decided by a majority of votes; and a majority of the stockholders or their proxies, at any meeting of such stockholders, shall be capable of transacting the business of such meeting, and each stockholder shall be entitled to one vote for every share of stock, not exceeding ten, and one vote for every five shares over and above ten not exceeding fifty, and one vote for every ten shares over that number, which he or she may have held in his or her name and in his or her own right at least three months next immediately preceding such election, and that Peter M. Ryerson, Samuel A. Van Saun, and George J. Ryerson shall be commissioners, and are hereby authorized at such time and place as they may choose, of which time and place public notice shall be given at least twenty days previous thereto, in a newspaper published in Paterson, in this state, to open books and receive subscriptions for the capital stock of said company; and when the sum of two hundred and fifty thousand dollars shall have been subscribed, then they shall call the first meeting of the said company for the choice of directors, and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify under their hands the names of those duly elected, and deliver to them

Time & mode of annual election of directors.

Commissioners to give public notice of the time of opening books for subscription.

Commissioners to be judges of election.

the subscription books and the moneys and securities received for subscriptions ; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

Sec. 4. *And be it enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board by death, resignation or otherwise, for the then current year, and to appoint and employ, from time to time, a secretary, treasurer and such other officers, mechanics and laborers as they may think proper, for the transaction of the business and concerns of the said company ; and also, to make and establish such by-laws, rules and regulations as they shall think expedient for the better management of the concerns of the said company, and the same to alter and repeal ; *provided always*, that such by-laws, rules and regulations be not inconsistent with the laws of this state, or of the United States ; and the said directors shall and may, whenever they shall deem it expedient, and at such time and place, and with such notice as they shall think proper, and as often as the interests of the stockholders shall require, and the affairs of said company will permit, declare a dividend or dividends of profit on each share, which shall be paid by the treasurer of said company ; *provided*, the said company shall make no dividend of any part of the capital stock of said company.

Vacancies & resignations, how supplied.

Duties of President and Directors.

Sec. 5. *And be it enacted*, That if it shall so happen that an election of directors should not take place on any day when pursuant to this act it ought to be held, the said corporation shall not, for that cause, be deemed to be dissolved ; but such election may be held on any convenient day within sixty days thereafter, to be fixed on by the directors, they previously giving notice thereof, by publishing the time and place of holding such election, in two of the newspapers printed and published in the said county of Passaic, or in the next adjoining counties, for at least fifteen days next preceding the time appointed for such election.

Corporation not dissolved by failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and that all shares shall be transferable on the books of said company, in such form as the by-laws shall ordain ; and such transfer shall be valid only after it shall have been registered on the books of said company ; and said company shall at all times have a lien upon all the stock or property of the members of said corporation invested therein, for all debts due from them to said company.

Stock to be deemed personal property.

Books of accounts to be open to the inspection of stockholders. Sec. 7. *And be it enacted,* That the books of said company containing their accounts, shall at all times be open for the inspection of the stockholders of said company; and at the general meeting of the stockholders, to be held annually, agreeably to the third section of this act, a general statement of the affairs of said company shall be made out and exhibited by the said president and directors.

Stock forfeited for refusal or neglect to pay instalments. Sec. 8. *And be it enacted,* That the directors may call in the subscriptions to the capital stock, by instalments, in such proportions and at such times as they may think proper, giving such notice thereof as the by-laws and regulations of said company shall prescribe; and in case any stockholder shall neglect or refuse payment of such instalment or instalments, for the term of sixty days after the same shall have become due and payable, and after he, she or they shall have been notified thereof, the treasurer may advertise for twenty days; in one or more newspapers printed in the county of Passaic, and sell at public auction, so many of such delinquents' shares as may be necessary to pay the sums due, with all incidental charges.

Not to engage in banking operations. Sec. 9. *And be it enacted,* That the corporation hereby created, shall not use any part of their capital or property, in carrying on any Banking operations, or for any other purpose than of carrying on the manufacturing operations authorized by this act.

Limitation of Act, may be altered or repealed. Sec. 10. *And be it enacted,* That this act shall continue in force for thirty years, and the legislature may, at any time hereafter, alter, amend or repeal the same whenever in their opinion the public good shall require it.

Passed March 4, 1842.

A SUPPLEMENT to the Act entitled "An Act concerning Roads," passed February ninth, eighteen hundred and eighteen.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That no overseer of the highway, or other person, except the owner or owners thereof, shall, after the passage of this act, cut down, wilfully injure, or destroy, any fruit, shade or ornamental tree, which may have been, or shall be, planted or set out by the owner or possessor of any lands adjoining any highway in this State, and which shall not extend more than seven feet out from the line of the road towards the centre of the same, unless the township committee of the township in which such road is situated, or a majority of said committee shall first order the cutting down or destroying of the same. Trees not extending out more than 7 feet from the line of the road not to be cut down or injured.

Sec. 2. And be it enacted, That if any overseer of the highway, or other person, shall offend against the provisions of the preceding section, he, she, or they so offending, shall forfeit and pay the sum of fifty dollars for each and every such offence, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof, by any person who may prosecute for the same within six months after such offence shall have been committed. Penalty for so offending.

Provided always, That this act shall not prevent any overseer from clearing out any highways to their full width where they pass through any woods or forest. Proviso.

Passed March 4, 1842.

AN ACT to confirm the last will and testament of Samuel Richards, deceased.

Preamble.

WHEREAS, Samuel Richards, late of the city and county of Philadelphia, in the state of Pennsylvania, on or about the fourth day of January, eighteen hundred and forty-two, departed this life, having first made and published his last will and testament in writing, bearing date the thirtieth day of November, eighteen hundred and thirty-nine, thereby bequeathing and devising extensive and valuable real and personal property, in this state, to certain persons named therein, some of whom are minors; which said last will and testament hath been duly proved, entered of record, and affiled in the register's office for the said city and county of Philadelphia: AND WHEREAS it hath become necessary and desirable to have said last will and testament proved and entered of record in this state, and although executed in the presence of three subscribing witnesses, according to the laws of said state of Pennsylvania, yet it does not appear, by said record and probate, to have been signed and published by said Samuel Richards in the presence of all of said three subscribing witnesses, according to the laws of this state, so that the title to said real estate may be insecure and uncertain: AND WHEREAS all the persons interested, so far as they are capable of so doing, have besought us for a remedy in the premises, by a confirmation of the said last will and testament:—Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said last will and testament of the said Samuel Richards shall be deemed and considered to have been duly made in writing, and signed and published by him in the presence of said three subscribing witnesses; and that any record of said last will and testament regularly made and entered in any proper office of this state, and any duly certified copies thereof, and any letters testamentary or of administration with the said will annexed, duly granted thereon, shall be evidence in the same manner, and have the same force and effect, in all courts of law and equity, as such records, or copies thereof, or as such letters, would have, if said last will and testament had been duly proved, in the usual manner, and regularly entered of record, according to the laws of this State, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Will of Sam'l Richards, dec. to be deemed & considered to have been duly made & signed by 3 witnesses.

Passed March 4, 1842.

AN ACT to provide for the resumption and continuance of specie payments by the banks in this state.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That every bank or company, exercising banking privileges in this state, which may have suspended specie payments, or shall suspend specie payments before the fifteenth day of August next, by neglecting or refusing to redeem its bills, notes, or other evidences of debt in specie, shall, on or before the said fifteenth day of August, resume and continue, so long as such bank or company shall exercise banking privileges, the payment of all bills, notes, or other evidences of debt of such bank or company in gold and silver, on demand at the banking-house of such bank or company, during the usual hours of business. Banks or companies exercising banking privileges to resume and continue specie payments on or before 15th August next.

Sec. 2. *And be it enacted,* That if any of the said banks or companies shall neglect or refuse to comply with the provisions of the first section of this act, it shall not be lawful for any such bank or company, after such neglect or refusal, to discount any note, bill, draft, or other paper, or to issue, pay out, or circulate any note, bill, or other evidence of debt, of said bank or company, of any denomination whatever; and if any bank or company, exercising banking privileges in this state, shall offend against any of the provisions of this section, the charter of every such bank, and all such part or parts of the charter of any such company, as are deemed to confer banking privileges upon such company, shall thereupon become forfeited and be void; and further, that no action or suit shall be brought or maintained in any court of law or equity in this state, upon any note, bill, draft, or other paper, which may have been discounted by such bank or company contrary to the true intent and meaning of this act. Penalty in case of neglect or refusal

Sec. 3. *And be it enacted,* That it shall not be lawful for any of the banks or companies exercising banking privileges in this state, which now neglect or refuse to redeem their notes or other evidences of debt in specie, on demand, to make any dividend among the stockholders of such bank or company until after the fourth day of July next, nor until said bank or company shall have fully complied with the provisions of the first section of this act. Banks not to make div. until provisions of 1st sec. are complied with.

Sec. 4. *And be it enacted,* That no such bank or company, or any officer or agent thereof, shall, from and after the fourth day of July next, issue or put in circulation any note, bill, check or draft intended or calculated for circulation as a bank note, other than their own notes and such as are payable on demand Banks not to issue notes other than their own.

in gold or silver at the banking-house or office of the bank or company issuing the same.

Act to take effect on the passage thereof.

Sec. 5. *And be it enacted*, That this act shall go into operation upon the passage thereof, and that the secretary of state shall immediately transmit a certified copy thereof to each of the banks and companies exercising banking privileges in this state.

Passed March 5, 1842.

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A SUPPLEMENT to an act entitled "An Act to incorporate the New-Jersey Patent Ship Bread Company."

Concerns of company to be managed by seven directors.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the stock, property and concerns of said company shall be managed and conducted by seven directors, being stockholders, a majority of whom shall be citizens of this state.

Capital stock of said company not to exceed \$500 000.

Sec. 2. *And be it enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, but it shall, nevertheless, be lawful for the said corporation, when, and as soon as one thousand shares of the said capital stock shall have been subscribed, and twelve thousand five hundred dollars actually paid in, provided the same be subscribed and paid in within two years from the passage of this act, to commence their said business; and with that capital to conduct and carry it on, until they shall deem it expedient to extend their operations and increase their capital, which they are authorized to do, from time to time, to the amount herein before mentioned.

Public notice of time and place of re-opening the books of subscription.

Sec. 3. *And be it enacted*, That the directors of said company may re-open their books of subscription to the capital stock of said company; and that public notice of the same be given by advertisement in one or more newspapers printed in the county of Hudson, for the space of thirty days, naming the time and place when and where the said books of subscription are to be re-opened, and that the said books shall be kept open for at least three successive days, from ten o'clock A. M. till four o'clock P. M. of each day.

Parts of former act repealed.

Sec. 4. *And be it enacted*, That so much of the second, third and fourth sections of the act to which this is a supplement, as conflict with the provisions of this act, be and the same are hereby repealed.

Passed March 7, 1842.

AN ACT to authorize Garret Sip, surviving executor of Michael D. Vreeland, late of Bergen county, in this state, deceased, to divide certain personal estate, under the will of said testator,

WHEREAS Michael D. Vreeland, deceased, late of the township of Hackensack, in the county of Bergen, and State of New-Jersey did, by his last will and testament, among other things give and bequeath unto his beloved wife Margaret, in addition to her right of dower at common law, the use of all his real and personal estate, wheresoever and whatsoever it might be of every kind and description, during her widowhood, empowering her at the same time, during her widowhood, to distribute any part of his personal estate to such of his grand children as she should think proper to give the same, and in such proportion as she should think proper; and in case she should die or marry without disposing of the same as aforesaid, then the said testator ordered his executors to divide the same equally among his grand children, share and share alike; and whereas the said widow died without making any distribution of the personal estate as authorized by the said will; and whereas the said testator in a subsequent clause in said will did further order and direct, if any of his grand children, Michael, Isaac, or Margaret, should die leaving no lawful issue, then and in such case that the survivors should have that property which he had devised to the deceased, in equal portions, share and share alike; and whereas the said grand children, Margaret, Michael, and Isaac, the last of whom is under age, and the surviving executor to the said will, Garret Sip, are willing and desirous that the personal property bequeathed to the above named children, by said will, should be equally divided among them, share and share alike, in accordance with the directions given to the executors by said will: and not being contrary to the intentions of the said testator, and being equitable and just that such division and distribution should be made:—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Garret Sip, surviving executor of the last will and testament of Michael D. Vreeland, deceased, be and he is hereby authorized to divide the personal estate of said Michael D. Vreeland, deceased, as the executors of the said testator are ordered to divide the same by his said will, and as they would have been authorized by the said will to divide the same, if the

Surviving executor of Michael D. Vreeland authorized to divide personal estate of testator.

clause in the said will ordering and directing "if any of his grand children, Michael, Isaac, or Margaret, should die leaving no lawful issue, then and in such case the survivors should have that property which he had devised to the deceased in equal portion, and share and share alike," had not been included in, or made part of said will.

Passed May 7, 1842.

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- AN ACT to enable the administratrix of Cornelius E. Mercelis, deceased, to execute a contract made by him for the sale of real estate.

Preamble.

WHEREAS, Cornelius C. Mercelis, late of the township of Manchester, in the county of Passaic, deceased, did, by writing, under his hand and seal, dated the eighth day of May, in the year of our Lord one thousand eight hundred and thirty-eight, covenant and agree to sell and convey to one Richard Dyckman, his heirs and assigns, for the sum of two hundred and fifty dollars, a certain lot of land and premises, herein after mentioned, under which agreement the said Richard Dyckman has paid part of the consideration money; and whereas the said agreement had but one subscribing witness thereto; and whereas the said Richard Dyckman has since assigned all his interest in said agreement unto one Cornelius Rutan, who is now in possession of said lot; and whereas the said Cornelius E. Mercelis has since died without executing or delivering a deed for the same; and that Maria Mercelis hath been duly appointed administratrix of his estate, and hath prayed the aid of the legislature to enable her to execute the said agreement:—
Therefore,

Administratrix of C. E. Mercelis authorized to execute a certain contract.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Maria Mercelis, administratrix of said Cornelius E. Mercelis, deceased, be and she is hereby authorized, in fulfilment of said agreement, to make, execute, and deliver, unto the said Cornelius Rutan, his heirs and assigns, a good and sufficient deed conveying unto the said Cornelius Rutan and his heirs and assigns all the title, interest, and estate of which the said Cornelius E. Mercelis died seized of and in the lot of land and premises, with the privileges and appurtenances to the same belonging, in the said agreement named, situate in the township of Man-

chester, in the county of Passaic, in this state, being lot No. 29, as designated on a map of lots the property of Anthony J. Bleecker, situate on the south side of Washington-street; bounded northerly by Washington-street, easterly by a lot of Cornelius Rutan, southerly by lots fronting on Ellison-street, and westerly by a lot of Jacob Rutan, and being twenty-five feet front and rear, by one hundred feet deep; which said deed the said administratrix is authorized to deliver, upon the receipt by her of that part of the consideration money, with interest, which remained unpaid at the time of the death of the said Cornelius E. Mercelis; and which money the said administratrix is hereby directed to account for according to law, as a part of the personal estate of the said Cornelius E. Mercelis, deceased. To account for proceeds.

Passed March 8, 1842.

AN ACT to incorporate the Fame Fire Company of Flemington.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Samuel Hill, William P. Emery, Abraham Fulper, Mahlon Fisher, Wilson Forker, John Capner, Charles Miller, Tunis Sargeant, Joseph P. Boss, and all other persons, not exceeding thirty in number, as now are, or hereafter shall become associates of the Fame Fire Company of Flemington, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Fame Fire Company of Flemington," and by such name they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their corporate name as aforesaid, and under their common seal, make, enter into, and execute any contracts or agreements touching and concerning the objects of said incorporation; and shall have full power and authority to make, form, and adopt such a form of constitution, and such by-laws and regulations for their government, not inconsistent with the Con-

Names of corporators.

Style of incorporation

Powers.

Estate vested in present incorporation. Sec. 2. *And be it enacted*, That upon recording the said certificate of incorporation, the former incorporation and body politic shall cease and be dissolved; and all the estate, real and personal, held by virtue of the same, shall pass to and be vested in the body politic thus formed agreeably to this act, who shall be deemed to be the legal successors in office to the former body politic and corporate, and liable for their debts, and clothed with all their rights, powers and privileges.

Passed March 8, 1842.

AN ACT to divorce Catharine Ryerson from her husband John Ryerson.

Catharine Ryerson divorced. Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract which has heretofore existed between Catharine Ryerson (formerly Catharine Storms) of the county of Passaic, and her husband John Ryerson be, and the same hereby is absolutely dissolved.

Passed March 8, 1842.

A FURTHER SUPPLEMENT to the act entitled "An act for the punishment of crimes."

Sheriff authorized to take recognizances. Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all cases where process shall be served by a sheriff to compel the attendance of any witness in any criminal proceeding in any court of this state, the sheriff so serving said process is hereby authorized to take the recognizance of said witness in like manner as a justice of the peace is now authorized to take such recognizance, in all cases where a recognizance is required, which recognizance shall be returned, and be of the same force and effect, and in case of forfeiture, shall be prosecuted in the same manner as if the same had been taken before a justice of the peace of this state.

Passed March 8, 1842.

AN ACT giving the assent of this State to the act of the Legislature of Pennsylvania, entitled "An Act to incorporate The Trenton City Bridge Company."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, ^{Act of the State of Pennsylvania confirmed.} That the assent of this State be and the same is hereby given to the provisions mentioned and contained in an act of the Legislature of the Commonwealth of Pennsylvania, passed the twenty-fourth day of February, one thousand eight hundred and forty, entitled "An Act to incorporate the Trenton City Delaware Bridge Company," and the said act of the Legislature of the Commonwealth of Pennsylvania is hereby adopted, ratified and confirmed by this State, and the provisions thereof shall be in full force and effect within this State, and the said act of the Legislature of the Commonwealth of Pennsylvania shall be annexed to this act, and be published in the same manner as the laws usually are, and the Governor shall likewise cause an exemplified copy thereof to be deposited in the office of the Secretary of this State, and transmit an attested copy of this act to the Governor of the Commonwealth of Pennsylvania.

Sec. 2. And be it enacted, 'That Zachariah Rossell, Crispin Blackfan, Thomas J. Stryker, William Grant, Charles Parker, Lewis P. Higbee, Joseph Wood, Joshua Hollinshead, and Joshua Wright be, and they are hereby appointed commissioners on the part of the State of New-Jersey to receive subscriptions of stock ^{Commissioners to receive subscriptions of stock.} in conjunction with the commissioners named in the first section of the said act.

Passed March 8, 1842.

—O—

AN ACT to incorporate the Trenton City Bridge Company.

WHEREAS, it is represented to the Legislature by the petition of a number of the inhabitants of the city of Trenton and vicinity, that the erection of a bridge from the intersection of the Philadelphia road, and the road leading from Morrisville to Easton, over the river Delaware to the city of Treu- Preamble.

ton, at Kirkbride's and Rutherford's ferry, would be of great convenience and accommodation to the public—Therefore,

Sec. 1. *BE IT ENACTED by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the capital stock of the Trenton City Bridge Company shall amount to fifty thousand dollars, and the same shall be divided into two thousand shares of twenty-five dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions as the directors of the said company may determine.

Sec. 2. That John Kirkbride, William B. Glymer, Samuel Story, Robert P. Lovett, Edward L. Taylor, Daniel Y. Harman, Samuel Gilieson, James Erwin, and Cyrus Cadwallader, of the state of Pennsylvania; and Zachariah Rossell, Crispin Blackfan, Thomas J. Stryker, William Grant, and Joshua Wright, of New-Jersey, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the state of New-Jersey, shall be authorized to receive subscriptions to the capital stock at such times and places as they, or a majority of them, may direct, giving notice thereof in two of the newspapers printed in the county of Mercer, in the state of New-Jersey, and two of the newspapers printed in the county of Bucks, in the state of Pennsylvania, for at least three weeks, of the times and places when and where the said subscriptions shall be received; and at the time of subscribing for the said stock, two dollars shall be paid upon each share subscribed for, to the commissioners or some of them, which money shall be deposited in one of the Trenton banks, subject to the drafts of the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice of, and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company; *Provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act to be subscribed for, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid.

Sec. 3. That when fifteen hundred shares are subscribed for, and five dollars paid on each share to the commissioners before a body politic appointed, the said commissioners, or a majority of them, shall

Amount of capital stock.

Commissioners to receive subscriptions.

Subscriptions how to be paid.

Proviso.

How & when to be created a body politic.

certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor; and thereupon it shall and may be lawful for the Governor by letters patent, under his hand and the seal of the state, to create and erect the subscribers; and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The Trenton City Bridge Company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do. Powers.

Sec. 4. That when the said fifteen hundred shares of the said capital stock shall be subscribed, and five dollars paid on each share as aforesaid, it shall be the duty of the said commissioners to give notice in two newspapers printed in the county of Mercer, in the state of New-Jersey, and in two newspapers printed in the county of Bucks, in the state of Pennsylvania, of a time and place by them appointed, not less than twenty days from the time of issuing the said notice; at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes, to be delivered in person or by proxy, one president, one treasurer, six directors, and such other officers as they shall think necessary to conduct the business of the said company, for one year, or until other officers shall be appointed; and may make such by-laws and regulations, not inconsistent with the laws and constitution of this State, the State of New-Jersey, or the United States, as shall be necessary for the well ordering of the affairs of the said company; *Provided always*, that every share of the capital stock, to the number of twenty, shall entitle the owner to one vote; and for every five shares above that number, one vote, at any election, or in determining any question arising at such meetings whatever. Time & mode of electing Officers.

Sec. 5. That the said stockholders shall meet on the second Monday in January, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year. Time of annual meeting.

Stock transferable.

Sec. 6. That the president and directors, first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively, signed by the president and countersigned by the treasurer of said company : which certificates shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due : that may grow due thereon ; and the assignee holding a certificate, having first caused the assignment or transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all estates and emoluments of the said company, and to vote as aforesaid at all meetings thereof.

Duties of President and Directors.

Sec. 7. That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business ; at such meetings five members shall be a quorum, who, in the absence of the president, may choose a chairman ; and shall keep minutes of all their transactions fairly entered in a book ; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on the said bridge, and complete the same ; and to fix their salaries, and other wages ; to determine the time, manner and proportions, in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman, and to be countersigned by the clerk of the board, and to do and to transact all matters and things as by the by-laws and regulations of the said company may be lawful.

Proceedings when company and owners of lands cannot agree on value.

Sec. 8. That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the president and directors to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge and toll-houses, making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same ; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the justices of the supreme court of either state, not being a stockholder, or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested

freeholders ; who, after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to and from the same ; and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall report what sum shall be paid by said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them ; and shall return the same, together with a map describing the metes and bounds of such lands and tenements to the Supreme Court next after they shall have agreed upon and signed the same ; and the said report, having been confirmed by the said Supreme Court, shall be filed in the clerk's office of the said court with the map aforesaid ; and the said president and managers having paid the said owners respectively, the several sums awarded to be paid to them in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars a day, employed in the said business, and their necessary expenses ; the said company shall be entitled to have and to hold, to them and their successors and assigns for ever, the said lands and tenements as fully and as effectually as if the same had been granted to them by the respective owners thereof ; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands and tenements and to commence and complete the erection of said bridge.

Sec. 9. That it shall and may be lawful for the president and directors aforesaid, their superintendents and engineers, and artists of every kind, to enter into and upon all lands ^{Company} and inclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone, gravel, or sand necessary for the building ^{may enter on lands to obtain stone, gravel or sand.} the said bridge ; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds, or sleighs, or beasts of burden or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done ; which damages shall be ascertained by the parties, if they

Proceedings
when com-
pany and
owners of
lands cannot
agree on
amount of
damage.

can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three indifferent freeholders of the neighborhood, or any two of the to be mutually chosen; or if the owner or managers, or superintendents, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side, and the said manager or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away, any stone, gravel, sand or earth most conveniently situated for making and repairing said bridge.

Annual state-
ment of ac-
counts to be
made.

Sec. 10 That the president and directors of said company shall keep fair and just accounts of all moneys received by them from the said commissioners and from the stockholders, and of the amounts of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work, and shall, at least once in each year, submit such accounts to a general meeting of the stockholders until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

Sec. 11. That when a good and complete bridge is erected over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns for ever, and the said company, their successors and assigns, may demand and receive toll from travellers and others not to exceed the following rates :

Rates of tolls
for passing on
said bridge.

For every coach, landau, chariot, phaeton, or other pleasure carriage, with four wheels, drawn by four horses, the sum of sixty cents ;

For the same carriage, drawn by two horses, the sum of forty cents ;

For every farm or market wagon, with four horses, the sum of forty cents ;

For the same, with two horses, the sum of thirty cents ;

For every chaise, riding chair, sulkey, cart, or other two wheel carriage, or sleigh, or sled, drawn by two horses, the sum of thirty cents ;

For the same, with one horse, the sum of fifteen cents ;

For a single horse and rider, the sum of ten cents ;

For every led or driven horse or mule, the sum of five cents ;

For every head of horned cattle, the sum of three cents ;

For every foot passenger, the sum of two cents ;

For every sheep or swine, the sum of one cent ;

Provided, all persons going to and returning from funerals, *Proviso.* persons going to or returning from meeting or church on the Sabbath, and children going to or returning from school, shall pass free of toll ; *provided, also*, that in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse ; and the said company shall so erect the said bridge as in no wise to injure the channel, or obstruct the navigation of said river, so as to prevent boats or rafts from passing.

Sec. 12. That if any person or persons shall wilfully cut, destroy, break or remove from the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be sued for and recovered by the said company in any court having cognizance thereof. *Penalty for injuring bridge or works.*

Sec. 13. That if the said company, their successors or assigns, or whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of thirty dollars, one-third thereof for the use of the poor of the city of Trenton, and one-third thereof for the use of the poor of the county of Bucks, and state of Pennsylvania, and the other third for the use of the person who may sue for the same ; *provided, always*, that no suit or action shall be brought unless within thirty days after such offence shall be committed. *Penalty for charging unlawful tolls. Proviso.*

Sec. 14. That the said president and directors shall have power to agree with any owner or owners of ferries or shad fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain ; and if they cannot agree with such owner or owners, then and in such case the said damages shall be ascertained and paid in the same manner as is provided for in the eighth section of this act ; *provided*, that no person shall receive any compensation for ferrying at any ferry *Damages to owners of ferries or shad fisheries for injury by bridge. Proviso.*

which shall have been purchased and paid for by the said company after the said bridge shall have been completed.

Dividend of profits to be made.

Sec. 15. That the said president, directors and company shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among the stockholders of said company, deducting first therefrom all contingent costs and charges, and such proportion of the said income as may be deemed necessary for a growing fund to provide against the decay and for the rebuilding and repairing of the said bridge; and shall, on every second Monday in January and July, in each and every year, publish the dividend to be made of the clear profits thereof among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Act not to take effect till a similar law is passed by N. Jersey.

Sec. 16. That this act shall not take effect or go into operation until the Legislature of the State of New-Jersey shall pass a law appointing Commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments as to the said company is hereby given.

Not to engage in banking.

Sec. 17. That the said company shall not employ any of their funds in banking operations.

Act may be altered or repealed.

Sec. 18. That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes; the legislature reserve the right of altering, modifying, or amending this charter whenever they think proper.

AN ACT to alter the corporate name of the Methodist Episcopal Church at Milford.

WHEREAS, it appears that the members of the Methodist Episcopal Church at Milford, have heretofore been incorporated under the act entitled "An Act incorporating trustees of religious societies," passed the twelfth day of June, seventeen hundred and ninety-nine, by the name and title of "The Methodist Episcopal Church at Milford;" and it being represented that the building used by the said congregation for many years past as a place of public worship, has become decayed, and unfit for the uses of said congregation; **AND WHEREAS**, the said corporation for their greater accommodation, have recently erected a new building for worship in the village of Hightstown, (the old church being located at the village of Milford, at the distance of about one and a half miles from the new church building,) and it being the desire of the said congregation that the name of the said incorporation be changed so as to conform with the location of the said building recently erected for public worship by the members thereof;—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the said church and congregation to renounce their former name of incorporation, and to incorporate themselves anew under the name of "The Trustees of the First Methodist Episcopal Church at Hightstown," in the mode prescribed by the thirteenth section of the act entitled "An Act to incorporate trustees of religious societies," passed June twelfth, seventeen hundred and ninety-nine: that is to say, the said trustees shall certify such name, under their hands and seals, to the clerk of the Court of Common Pleas of the county of Mercer; whose duty it shall be, instantly, to record the same, for which he shall be entitled to receive one dollar; and thereupon, the said trustees shall be known and distinguished in law, by the name of the incorporation so taken, recorded and certified.

Sec. 2. *And be it enacted,* That upon recording the said certificate of incorporation, the former incorporation and body politic shall cease and be dissolved; and all the estate, real and personal, held by virtue of the same, shall pass to and be vested in the body politic thus formed agreeably to this act, who shall be deemed to be the legal successors in office to the former body politic and corporate, and liable for

the debts of the same, and clothed with all the rights, powers and privileges appertaining to religious societies incorporated under an act entitled "An Act to incorporate trustees of religious societies," passed the twelfth day of June, seventeen hundred and ninety-nine.

Passed March 9, 1842.

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AN ACT to authorize the erection of a Dam across Sooy's Creek, in the township of Galloway, in the county of Atlantic.

Dam across
Sooy's Creek
authorized.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.* That it shall and may be lawful to erect a Dam across Sooy's Creek in the township of Galloway, and county of Atlantic, about a half a mile above its mouth, at the Second Reach above Sooy's Landing.

Owners of
marsh meadow
to erect
dam and lay
sluices.

Sec. 2. *And be it enacted,* That the owners and possessors of marsh meadow and swamp lying upon said Creek, or above said intended dam, shall erect a dam sufficient to keep out the tide, and lay a sluice or sluices sufficient to drain said marsh, and shall at all times keep and maintain the same.

Expenses of
making dam
and sluice,
how defrayed

Sec. 3. *And be it enacted,* That the expenses of making and repairing said dam and sluices, and all other expenses connected with the damming and draining said meadows, shall be defrayed by a tax assessed on said marsh by some person appointed by the said owners and possessors or a majority of them whenever they may think it necessary, in a ratable proportion on the marsh of each individual according to its value.

Assessments,
how collected

Sec. 4. *And be it enacted,* That it shall be lawful for the person to be appointed by said marsh owners to assess the expenses of damming and draining said meadows as aforesaid, to sue for and collect in any court of competent jurisdiction, all assessments which may be made as aforesaid, after having given thirty days previous notices of such assessment to each meadow owner interested, and also after having personally demanded payment of such tax.

Act to take
effect immediately.

Sec. 5. *And be it enacted,* That this act shall take effect immediately after the passage thereof.

Passed March 9, 1842.

AN ACT to reduce the capital stock of the Morris County Bank.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That whenever at a meeting of the Stockholders of the Morris County Bank, convened at their Banking-house in Morris-town, for that purpose, upon such notice as is required by the charter to be given for the election of Directors, a majority of said Stockholders voting according to the rule and ratio prescribed in the act of Incorporation, shall determine that a reduction of the capital stock of the said Bank is expedient, it shall and may be lawful for the said Stockholders, by a resolution to be adopted at such meeting, to reduce the capital of said Bank to the sum of Fifty Thousand Dollars, for capital stock heretofore paid in.

Stockholders
may reduce
capital stock
of Bank.

Passed March 9, 1842.

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A FURTHER SUPPLEMENT to an Act, entitled "An Act to regulate elections."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That on the second Tuesday of October next after the passage of this supplement, and the Wednesday following, and on the second Tuesday of October, and the Wednesday following, in each fourth year thereafter, an election shall be held in this state, to elect for this state, such a number of persons to be members of the House of Representatives of the United States as this state shall be entitled to elect, and send as members thereof, each of whom shall be a citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States for seven years next preceding such election.

Times of
holding elec-
tion for mem-
bers of the
House of Re-
presentatives.

Sec. 2. *And be it enacted,* That at such election the voters shall put the names of the persons voted for as members of the House of Representatives, designating them as

Manner of vo-
ting for Rep-
resentatives.

B

such, on the same ticket with the names of the persons voted for as members of Council, Assembly, Sheriff, and Coroners, and the election shall be conducted in all other respects as is provided in the act to which this is a supplement.

Qualifications
of voters.

Sec. 3. *And be it enacted*, That every person who shall within two years next preceding any election, which shall be held under this act or the act to which is a supplement, have assessed against him any state or county tax in this state, and shall prior to the time of his voting in such election, have paid any such tax so assessed, and being otherwise qualified, shall be deemed and taken to be worth fifty pounds proclamation money, clear estate in this state, and shall be admitted to vote at such election. *Provided*, That if any person shall have been inadvertently overlooked by the assessor, and being in other respects qualified, upon the payment of such tax as shall be assessed against him by the assessor who is required to assess the same in proportion to the other assessments by him made and to enter the name and assessment immediately on the tax list, shall be deemed and taken to be worth fifty pounds proclamation money, clear estate as aforesaid, and shall be admitted to vote at such election.

Proviso.

Part of former
act repealed.

Sec. 4. *And be it enacted*, That so much of the act to which this is a supplement, as comes within the purview of, or is opposed to, this supplement, be and the same is hereby repealed.

Passed March 9, 1842.

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AN ACT to abolish Imprisonment for Debt.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the writ of *capias ad respondendum* shall not henceforth be awarded, issued or served in any action founded upon contract, express or implied, except upon proof made on oath or affirmation, before a Justice of the Supreme Court of this state, or before one of the commissioners to take bail and affidavits in said court, establishing to the satisfaction of such justice or commissioner, one or more of the following particulars :

When writs
of *capias ad
respondendum*
may issue.

1. That there is a debt or demand, founded upon contract express or implied, due to the plaintiff from the defendant, specifying the nature and particulars of said debt or demand, and that the defendant is about to remove any of his property out of the jurisdiction of the court in which an action is about to be commenced, with intent to defraud his creditors. Or

2. That the defendant has property or rights in action which he fraudulently conceals. Or

3. That he has assigned, removed, or disposed of, or is about to assign, remove, or dispose of any of his property with the intent to defraud his creditors.

That then it shall be the duty of the justice or commissioner, before whom such proof of all or any of the said particulars shall have been made, to make an order to hold the defendant to bail in such sum as shall be sworn to by the plaintiff or his agent, to be due to the plaintiff from the defendant, and upon such order being made, and upon filing such affidavits in the office of the clerk of the court, wherein the action is about to be commenced, a *capias ad respondendum* may be issued according to law as heretofore.

Sec. 2. *And be it enacted*, That the writ of *capias ad satisfaciendum* shall not henceforth be awarded or issued upon any judgment founded upon contract, express or implied, except

1. Upon satisfactory proof being made before a Justice of the Supreme Court, or a commissioner to take bail and affidavits in said court, to be certified by such justice or commissioner, and filed as aforesaid, establishing the particulars specified in either of the subdivisions of the first section of this act. Or

2. That the defendant has rights or credits, moneys or effects, either in his own possession or in the possession of any other person or persons to his use, of the value of fifty dollars or over, which he unlawfully and unjustly refuses to apply in payment of such judgment. When writs of *capias ad satisfaciendum* may issue.

Sec. 3. *And be it enacted*, That no warrant to arrest the body of any defendant shall henceforth be issued out of any court for the trial of small causes in this state, in any action of debt, or other action founded upon contract, express or implied, except upon due proof, on oath or affirmation, made before a Justice of the Peace of any county in this state, establishing to the satisfaction of such justice, the particulars named in either of the subdivisions of the first section of this act, and upon making such proof it shall be the duty of such justice to make an order for the issuing of a warrant against the defendant, and upon filing

such order with any justice of the peace, a warrant may be issued as heretofore.

When execution to arrest the body of any defendant may issue.

Sec. 4. *And be it enacted*, That no execution to arrest the body of any defendant shall henceforth be issued out of any court for the trial of small causes in this state, in any action of debt, or other action founded upon contract, express or implied, unless the plaintiff or plaintiffs in such action shall, before the same be issued, make satisfactory proof of the particulars named in either of the subdivisions of the first section of this act. Or

2. That the defendant has rights or credits, moneys or effects, either in his own possession or in the possession of any other person or persons to his use, of the value of ten dollars or over, which he unlawfully and unjustly refuses to apply in payment of such judgment; and upon making such proof to the Justice of the Peace by whom such judgment may have been rendered, execution against the body of such defendant may be issued as heretofore.

Shares or interest in Banks, &c. may be taken and sold.

Sec. 5. *And be it enacted*, That any share or interest of the defendant, in any bank, insurance company, or other joint stock company, that is or may be incorporated under the authority of this state, may be taken and sold under the writ of *fieri facias*, in the same manner as in the case of goods and chattels.

Officers of stock companies to give certificates of amount of stock held by defendant.

Penalty for refusal.

Sec. 6. *And be it enacted*, That the clerk, cashier, or other officer of such company who has at the time the custody of the books of such company, shall, upon exhibiting to him of the writ of *fieri facias*, be bound to give to the officer having such writ, a certificate of the number of shares, or amount of the interest held by the defendant in such company, and if he shall neglect or refuse so to do, or if he shall wilfully give a false certificate thereof, he shall be liable to the plaintiff for double the amount of all damages occasioned by such neglect, or false certificate, to be recovered in an action on the case against him.

Provisions of this act not to extend to certain cases.

Sec. 7. *And be it enacted*, That the provisions of this act shall not extend to proceedings as for contempts to enforce civil remedies, nor to actions on promises to marry, or moneys collected by any public officer, or for any misconduct or neglect in office.

Passed March 9, 1842.

AN ACT to incorporate the Moorestown New Jersey Beneficial Society.

WHEREAS, a number of the inhabitants of Moorestown and its vicinity, in the county of Burlington, have formed themselves into an association or society, to which they have given the name of "The Moorestown New-Jersey Beneficial Society;" the object of which is to create a fund, to be applied towards the relief or support of such of the members thereof as shall, by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual occupation or calling; and, also, towards the decent interment of deceased members, or the deceased wives of members; **AND WHEREAS**, it is believed an act of incorporation will promote the object of the society, and add to the security of its property; and the said society having by petition presented to the legislature, prayed to be incorporated;—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Moses Hammill, John Perkins, Jacob Haines, Joseph Venable, Thomas D. Kimble, David Heaton, Samuel Jones, Samuel Wisham, John Groom, and all other persons, not exceeding at one time five hundred, as now are or shall hereafter become members of said society, be and they are hereby ordained, constituted and declared a body corporate, in fact and in law, by the name, style and title of "The Moorestown New-Jersey Beneficial Society," and by that name they and their successors shall have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity whatsoever, in all manner of actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name aforesaid, and under their common seal, may make and enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of the said corporation.

Sec. 2. *And be it enacted,* That for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vice-president, secretary, assistant secretary, treasurer, four stewards, an investigating com-

Preamble.

Names of
corporators.Style of in-
corporation.

Powers.

Officers how
elected.

mittee of three, two messengers, and such other officers and assistants as shall be deemed necessary, all of whom shall be elected by ballot, by a majority of the members present at such election, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time, appoint and direct.

What real & personal estate Society may hold.

Proviso.

Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body corporate and politic, hereby created, which said body politic and corporate shall, by the name and title aforesaid, be able and capable in law to purchase, receive, take, hold and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, goods, securities and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same; *provided*, that the clear yearly income or value of the real and personal estate of said incorporation, shall not exceed the sum of one thousand dollars.

May make and adopt constitution and by laws.

Proviso.

Sec. 4. *And be it enacted*, That the said corporation be and they are hereby authorized and empowered to make, adopt and use, and from time to time alter, amend or change, as by them may be deemed expedient, such general form of a constitution, and such by-laws, for the transaction of business, and for effecting the purposes of the society aforesaid, as to the members, or a majority of the members present duly met, shall be deemed right and proper; *provided*, that nothing in the said constitution and by-laws be repugnant to the constitution or laws of the United States or of this state.

Sole objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated, shall be the relief of its respective members when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided in the constitution and by-laws of said society, and such other necessary expenses as shall accrue, by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act.

Act, may be altered or repealed.

Sec. 6. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think proper.

Passed March 10, 1842.

AN ACT for the relief of Aaron Camp, of the county of Essex.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the treasurer of this state, for the time being, shall and he is hereby authorized and required to pay Aaron Camp, of the aforesaid county, a soldier in the service of the United States in the revolutionary war, or to his order, the sum of ^{Pension to A. Camp of} *forty dollars per annum, to be paid to the said Aaron Camp, in half-yearly payments, from the passing of this act, during the lifetime of the said Aaron Camp. the first payment to be made on the passage of this act; and the receipt of the said Aaron Camp, or his order, shall be a sufficient voucher to the treasurer, for such sums as he may pay by virtue of this act, in the settlement of his accounts.*

Passed March 10, 1842.

—O—

AN ACT to authorize the enclosure of a certain Tract of Woodland in the townships of Ewing and Lawrence, in the county of Mercer.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessor* ^{Boundaries of land au-} *of all that tract of woodland, situate, lying and being in the townships of Ewing and Lawrence, in the county of Mercer, known by the name of the "Five Mile Woods," be enclosed. authorized to* *being butted and bounded as follows, viz: on the south by lands of Ralph Laning; on the east by lands of John Smith, Charles Reeder, and others; on the north by lands of Ephraim Scudder, and others; and south-west by lands of Elias Welling, John Hendrickson, and others; to fence the same in common, and to erect and maintain such swing gates as they may deem proper; and that from and after the enclosing the same as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle or sheep, with intent to let them run at large in said tract; provided,*

always, that nothing in this act contained shall be construed so as to prevent any person or persons from turning horses, cattle or sheep, on such part of the said tract as may belong to him, her or them, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of said tract.

Penalty for
driving in
cattle.

Sec. 2. *And be it enacted*, That if any person or persons whatsoever, shall drive or let in any horses, cattle or sheep into the said tract, after the same shall have been enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing gates thereon, such person or persons shall be liable to a penalty of ten dollars; and if any person or persons shall leave open any bars or swing gates thereon, either negligently or wilfully, such person or persons shall be liable to a penalty of two dollars for each offence; any of which penalties may be sued for and recovered by the trustees hereinafter mentioned, or a majority of them, in any court of competent jurisdiction in this state, in an action of debt; and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates around the said tract.

Cattle tres-
passing.

Sec. 3. *And be it enacted*, That if any horses, cattle or sheep be found running at large in said tract of woodland, it shall be lawful for any person so finding them, to drive them to any public pound in either of the townships of Ewing or Lawrence, leaving with the keeper of such pound an affidavit that such horses, cattle or sheep were found running at large in said tract; and it shall be the duty of such pound-keeper to receive and keep the horses, cattle and sheep so delivered to him, until the owner thereof shall pay to him the fees of impounding the same, together with twenty-five cents per head for horses and cattle, and eight cents per head for sheep; and such pound-keeper shall collect and receive the same, and pay the same over unto the person so impounding said horses, cattle or sheep; and the said pound-keeper shall be entitled to the same fees, and be subject to the same penalties, and shall in all matters proceed as is directed by an act entitled "An Act regulating fences," passed January twenty-third, seventeen hundred and ninety-nine; *provided*, that in case there shall not be a public pound kept in either of the said townships, then it shall be lawful for the person so finding the said horses, cattle or sheep, to impound them in his or her own field, yard or other enclosure, until the same be redeemed as aforesaid; and such person shall be entitled to the same

less as the pound-keeper would have been entitled to by this act.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract shall meet on the first Tuesday of April next, at the house of Aaron Furman, innkeeper in the township of Ewing; and on the first Tuesday in April, each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose from among themselves, three persons to be trustees of said lands, who shall hold their office for one year, and until their successors shall be appointed.

Time & mode
of electing
trustees.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of fence to be erected around the said tract, and shall assign by marks and measurement to each of the owners of said tract a part of said fence to make and maintain, in proportion to the number of acres owned by him or her therein; and if after such assignment and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned to him or her, the said trustees shall make or repair the same; and shall be entitled to sue for and recover the expenses thereof, from the person or persons so refusing, or their legal representatives, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees to cause a lawful fence at all times to be kept up and maintained around the aforesaid tract of woodland.

Trustees to
assign pro-
portion of
fence.

Sec. 6. *And be it enacted*, That each trustee shall be entitled to receive one dollar per day for every day necessarily spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest therein, which shall be assessed by said trustees, according to the number of acres held by each owner of said tract; and they shall make out a duplicate list of the amount assessed upon the property of each individual, who upon refusing or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution before any court having competent jurisdiction of the same, in an action of debt, with costs of suit.

Pay of
trustees.

Sec. 7. *And be it enacted*, That the legislature of this state shall have power, at any time, to alter, modify or repeal this act.

Act may be
altered or
repealed.

Passed March 10, 1942.

AN ACT to confirm certain acknowledgements of deeds and other instruments taken by Josiah Atkinson, Esquire.

Preamble.

WHEREAS, it appears to the Legislature of this State that Josiah Atkinson, Esquire, was duly appointed a Commissioner for taking the acknowledgement and proof of deeds for the county of Gloucester, on the thirteenth day of February, eighteen hundred and thirty-six, for the term of five years, which said commission expired on the thirteenth day of February, eighteen hundred and forty-one; **AND WHEREAS**, it is represented that the said Josiah Atkinson, Esquire, did, under a misapprehension of the continuance of the said commission, continue to take and certify acknowledgements as he had been authorized to do, by virtue of the said commission, until the first day December, eighteen hundred and forty-one: **Therefore,**

Acknowledgements of deeds &c. taken by J. Atkinson, confirmed.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the several acknowledgements of deeds and other instruments taken and certified by Josiah Atkinson, Esq. as one of the commissioners for taking the acknowledgements or proofs of deeds, in the county of Gloucester, between the thirteenth day of February, eighteen hundred and forty-one, and the first day of December of the same year be, and the same are hereby confirmed and declared valid and effectual in like manner as though the same had been taken and certified by the said Josiah Atkinson, Esquire, during the continuance of his said commission for that purpose.

Passed March 10, 1842.

A FURTHER SUPPLEMENT to an act entitled "An Act concerning Idiots and Lunatics."

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in case of the death of any guardian of any idiot or lunatic, appointed under the act to which this is a

supplement, by the Orphans' Court of the county where such idiot or lunatic may reside, and to which a certified copy of the proceedings, under the inquest, has been transmitted from the Court of Chancery, as directed in said act, it shall be lawful for such Orphans' Court forthwith to appoint another guardian for such idiot or lunatic, if said court be then sitting; and if the said Orphans' Court be not then sitting, it may be lawful for any one of the judges of said court to call a special Orphans' Court for that purpose, in the manner directed in the supplement to said act, passed the twelfth day of February, eighteen hundred and thirty-three; and every guardian so appointed under this act, shall have like power, and be under like regulations and restrictions, as guardians appointed under the act to which this is a supplement.

In case of the death of Guardian another to be appointed.

Sec. 2. And be it enacted, That whenever a new guardian is appointed as aforesaid, upon the death of a former guardian of any idiot or lunatic, the executor or executors, administrator or administrators of every such deceased guardian, shall account to such new guardian, for all property of such idiot or lunatic in their possession or under their control, or if required shall account for the same before the said Orphans' Court, upon a citation issued for that purpose, at the instance of such new guardian.

Executors or administrators to account to new guardian

Sec. 3. And be it enacted, That this act shall go into effect immediately after the passage thereof.

Act to take effect immediately.

Passed March 10, 1842.

—o—

AN ACT for the better protection of the Navigation of the Passaic River.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That each and every bridge or viaduct, hereafter to be erected over the Passaic River, between the head of Navigation and the Newark Bay, shall be so constructed, as to contain a draw, for the free passage of vessels navigating the said river, the opening of which draw shall be at least thirty-five feet wide in the narrowest part,

Width of draws in bridges, &c. over Passaic River.

and shall be placed in such position as to do the least possible injury to the navigation thereof.

Paterson and
Hudson R. R.
Co. to make
draw in their
bridge.

Sec. 2. *And be it enacted*, That as soon as the Passaic River, by the construction of locks, or other sufficient devices, shall be made navigable to the bridge of "The Paterson and Hackensack Turnpike Company" for vessels requiring a draw thirty-five feet wide, it shall be the duty of "The Paterson and Hudson River Rail Road Company" to have completed in their bridge, or viaduct, which crosses the said River below the present head of navigation, a draw of thirty-five feet in width in the narrowest part, so as to permit the free passage, as well in entering as in leaving the said draw, of all vessels navigating the said River to and from the said Turnpike Bridge.

Act to take
effect imme-
diately.

Sec. 3. *And be it enacted*, That this act shall go into operation immediately on the passage thereof.

Passed March 10, 1842.

—o—

AN ACT to provide for the assessment and collection of taxes in the township of Paterson, in the county of Passaic.

Time of tak-
ing account
of ratable
property.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the assessors of the several townships in the county of Passaic, to take an account of the ratable property in the said several townships, between the twentieth day of April and the twentieth day of June in each year hereafter.

Time of an-
nual meeting
of assessors.

Sec. 2. *And be it enacted*, That the said assessors shall meet annually on the second Monday in July, at the court house in the said county, and perform the duties required to be done in and by the third, fourth, fifth, and sixth sections of the act entitled An Act concerning taxes, passed the tenth of June seventeen hundred and ninety-nine.

Time of an-
nual meeting
of Commis's
of Appeal.

Sec. 3. *And be it enacted*, That the commissioners of appeal in cases of taxation, in and for the township of Paterson, in the county of Passaic, shall convene annually, on the second Tuesday of September, for the purpose of discharging the duties of their office, instead of the second Tuesday of November as heretofore.

Sec. 4. And be it enacted, That the collector or collectors of the township of Paterson shall annually give the notice and **Collectors to perform the duties required by the tenth section of the "Act give notice. concerning taxes,"** on the first day of August instead of the first day of October, as heretofore.

Sec. 5. And be it enacted, That the collector or collectors of the township of Paterson, in the county of Passaic, within **Duties of Collectors.** thirty days after the receipt of the transcript or duplicate of the assessment of taxes for the township of Paterson, shall demand payment of the tax or sum assessed on each individual in said township, in person, or by notice left at his or her place of residence, and also, give notice of the time and place of the meeting of the commissioners of appeal, and the said collector or collectors, shall pay the taxes by him or them collected, and the fines and forfeitures by him or them received by virtue of any law of this state, to the county collector of the county, by the twenty-second day of October, in every year.

Sec. 6. And be it enacted, That in case of the non-payment of taxes at the time appointed, the township collector or **Collectors to collectors of the township of Paterson, shall make out a list of make return of delinquents.** the names of the delinquents with the sums due from them respectively thereto annexed, and deliver the same to some justice of the peace of the county, on the twentieth day of October, in every year, except when the said day shall happen on a Sunday, and then on the next day following; whereupon it shall be the duty of said justice to perform the duties required of him by the thirteenth section of the "Act concerning taxes."

Sec. 7. And be it enacted, That all the provisions of the **Provisions of former act to remain in force.** act entitled "An Act ascertaining the duties of commissioners of appeal in cases of taxation," passed the fourth day of November, seventeen hundred and ninety-seven; and of the act entitled "An Act concerning taxes," passed the tenth of June, seventeen hundred and ninety-nine, and the several supplements thereto, shall remain in full force and effect in the county of Passaic and in the township of Paterson, except so far as they are inconsistent with the provisions of this act.

Sec. 8. And be it enacted, That this act shall go into operation upon the passage thereof. **Act to take effect immediately.**

Passed March 10, 1842.

AN ACT explanatory of an act entitled "An Act supplementary to an act for the punishment of crimes," passed the seventh day of March, A. D., eighteen hundred and thirty-nine, and to repeal so much of the said act entitled "An Act for the punishment of crimes," passed the seventeenth of February, one thousand eight hundred and twenty-nine, as authorizes punishment by whipping on conviction of petit larceny.

Persons convicted to be punished by imprisonment at hard labor. Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That every person who shall hereafter commit any of the offences mentioned and provided for in the third, fourth, fifth, and eighth sections of the act which was passed on the seventh day of March, in the year of our Lord eighteen hundred and thirty-nine, entitled "An Act supplementary to an act for the punishment of crimes," passed the seventeenth day of February, eighteen hundred and twenty-nine, and shall be thereof convicted, may be punished by imprisonment at hard labor, notwithstanding the words "at hard labor," are not contained in the said several sections of the said act.

Act authorizing punishment by whipping repealed. Sec. 2. *And be it enacted,* That so much of the thirty-first and thirty-second sections of the act entitled "An Act for the punishment of crimes," passed the seventeenth day of February, one thousand eight hundred and twenty-nine, as authorizes the punishment of any person by whipping on a conviction of stealing the money or personal goods and chattels of another under the price or value of twenty dollars, whether the trial of such person shall be by jury or before two Justices of the peace, be and the same is hereby repealed.

Passed March 10, 1842.

AN ACT to authorize Samuel C. Dunham and Angeline his wife, Guardians of Maria Robbins, Sarah Robbins and Charles Robbins, heirs at law of Elijah Robbins, late of the township of Dover, to convey a certain lot of land, situate in the said township, to the trustees of the Fourth Public School District, in the township of Dover, in the county of Monmouth, and State of New-Jersey.

WHEREAS, it is represented and proved to the Legislature, that Elijah Robbins, late of the township of Dover, in the county of Monmouth, in his life-time made an agreement with James Gulick, Joseph Lawrence and James I. Pullen, three Trustees of the Fourth Public School District in the township of Dover, in the county of Monmouth, to convey to them as such Trustees and to their successors and assigns, in fee simple, a certain Lot of Land belonging to him, situate in the said township, *beginning* at a stake on the north side of Toms River about a quarter of a mile northeastwardly from the Bridge, standing on the line between lands of the said Elijah Robbins and the heirs of William I. Emley, deceased, on a course north sixty-three degrees and twenty-five minutes east from the northeast corner of the School-House then standing on the said described premises, and running thence (1st) south nineteen degrees, and thirty minutes west one chain and twenty-three links, thence (2) north sixty-eight degrees and thirty minutes, west ninety-eight links, thence (3) north twenty degrees east one chain and nineteen links, thence (4) south seventy-one degrees east ninety-seven links to the place of beginning, containing ten hundredths of an acre be the same more or less, for the purpose of erecting a Public School-House thereon for public use; That in pursuance of and in conformity to the said agreement a Public School-House was erected on the said lot by the said Trustees of the Fourth Public School District in the said township for public use: but thereafterwards the said Elijah Robbins died intestate before making the said conveyance, leaving Maria Robbins, Sarah Robbins, and Charles Robbins, children of Clayton Robbins, deceased, the only child of the said Elijah Robbins, his heirs at law; That after his death, administration of all and singular his goods and chattels, rights and credits was granted by the Surrogate of the county of Monmouth to Anthony Ivins, who was also administrator of the said Clayton Robbins, deceased, and that the personal estate of the said several intestates are amply sufficient to pay

their respective debts; and that the said Maria Robbins, Sarah Robbins and Charles Robbins, the heirs of the said Elijah Robbins, are respectively infants under the age of fourteen years, and letters of guardianship have been granted in due form of law of their several persons and estates, to Samuel C. Dunham and Angeline his wife—the said Angeline being the widow of the said Clayton Robbins and the mother of the said infants, and that the said administrator, guardians and infants have by their petition requested that the said guardians may be empowered to make, execute and deliver a deed to the said The Trustees of the Fourth Public School District in the township of Dover, in the county of Monmouth, and their successors and assigns, for the said lot of land: Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Samuel C. Dunham and Angeline his wife, guardians of the persons and estates of Maria Robbins and Charles Robbins, infant children of Clayton Robbins, deceased, and heirs at law of the said Elijah Robbins, deceased, be, and they are hereby authorized and empowered to make, execute and deliver a deed of bargain and sale to the said The Trustees of the Fourth Public School District in the township of Dover, in the county of Monmouth, and their successors and assigns forever, for the said Lot of Land, situate as aforesaid, pursuant to the said agreement; and that the said deed shall convey to the said grantees, and vest in them all the title of the said Elijah Robbins of, in and to the said Lot of Land at and immediately before his decease, and have the same force and effect to all intents and purposes as if made by the said Elijah Robbins in his life-time.

Guardians of Maria Robins and others authorized to convey a certain lot of land to the Trustees of the 4th school district of the township of Dover.

Interest vested in purchaser.

Passed March 10, 1842.

AN ACT to divorce Mary Jane Richards, of the county of Mercer, from her husband, John O. B. Richards.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Mary Jane Richards, of the county of Mercer, be, and she is hereby divorced from her husband John O. B. Richards,

and that the marriage contract heretofore existing between them, be and the same is hereby fully and absolutely dissolved: *Mary Jane Richards divorced.*
provided, nevertheless, that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Passed March 11, 1842:

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AN ACT to incorporate "The Jefferson Beneficial Society" of
 county of Salem, New-Jersey.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,
 That John Bailey, Thos. E. Ware, Thos. W. Cattell, Charles C. Fithian, Henry Colgan, James Sinastley, John Thompson, Israel Higgins, Isaac Hacket, Benoni Mills, David McDaniels, Joshua J. Thompson, Samuel King, Elijah Gilmore, William Fisher, Jacob P. Nicholson, Nathan Kidd, John P. Bruna, Thomas Merriam, Alexander G. Cattell, and all such other persons as now are or hereafter shall become associates of "The Jefferson Beneficial Society" of the county of Salem, New-Jersey, shall be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Jefferson Beneficial Society" of the county of Salem, New-Jersey. *Names of corporators.* *Style of incorporation.*

Sec. 2. And be it enacted, That the said corporation by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity, and may have a common seal, and may have power to alter the same at their pleasure, and by their common seal enter into and execute contracts and agreements; and such corporation shall have full power to make and adopt such laws and regulations as they may think proper, not inconsistent with the laws of the United States or of this State. *General Powers.*

Sec. 3. And be it enacted, That the capital stock of the said corporation shall not exceed the sum of five thousand dollars, which shall be applied to the nursing and attendance of members while sick, the purchase of necessities for sick members. *Objects of incorporation.*

the payment of physicians and surgeons bills, the funeral expenses of deceased members, and such other incidental expenses as may be needful to further the objects of the said society.

Corporation
to elect officers.

Sec. 4. *And be it enacted*, That the said corporation shall have power to elect, annually, or oftener if necessary, out of their own body, a president, and such other officers and assistants as shall be necessary for proper management of the affairs of said corporation according to their laws; and the president shall keep in his custody the common seal of the corporation, and deliver it over at the end of his term of office, to his successors.

Constitution
and by-laws
may be enforced by
suit.

Sec. 5. *And be it enacted*, That the constitution and by-laws of the said corporation shall be binding and imperative on the different members, and may be enforced by suit against defaulting members, in the corporate name of said company, before any court having competent jurisdiction; *provided*, that in all suits between the said corporation and a member or members thereof, any of the said members may be witnesses for either party.

Act may be
altered or
repealed.

Sec. 6. *And be it enacted*, That the Legislature may at any time hereafter, alter, amend, modify or repeal this act as they may think proper.

Passed March 11, 1842.

A SUPPLEMENT to the act entitled "An Act to incorporate the Somerville Manufacturing Company," passed the first day of March, one thousand eight hundred and thirty-seven.

Time for
commencing
certain operations
extended.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the second proviso, in the first section of the act entitled "An act to incorporate the Somerville Manufacturing Company," passed March first, one thousand eight hundred and thirty-seven, be and the same is hereby extended for two years from the first day of April next, so that if any species of manufacture enumerated in said first section shall not have been commenced by said Company within five years from the passage of said act, then the said Act of Incorporation shall not be void as relates to the particular branch or branches of manufacture not so commenced; but the time for commencing such branch or branches of manufacture by the said company, is hereby extended two years from the first day of April next.

Passed March 11, 1842.

AN ACT to discharge ⁵Cornelius S. Van Wagoner from the execution of certain trusts therein named.

WHEREAS, Richard Van Riper, late of the township of Manchester, in the county of Passaic, deceased, in and by his last will and testament, made and published in due form of law, did appoint his son, Andrew Van Riper, and the said Cornelius S. Van Wagoner, the executors thereof, and in and by said will, among other things, did devise to his said executors, certain real and personal estate in trust for the sole use and benefit of his daughters, Elizabeth, wife of Thomas Blake, and Jane, wife of Moses Root, and in case said Elizabeth or Jane should die before their respective husbands, then in trust for the use and benefit of the children of his said daughters respectively; **AND WHEREAS**, the said executors have taken upon themselves the execution of the said last will and testament—and it appearing that a considerable portion of the real estate so devised in trust to the said executors, lies at a distance from the residence of the said Cornelius S. Van Wagoner, and that the expenses of fulfilling the said trusts would be materially lessened by his being released therefrom—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Cornelius S. Van Wagoner, be, and C. S. Van he is hereby released and discharged from the further execution of the trusts created in and by the last will and testament of the said Richard Van Riper, deceased, and that the said Andrew Van Riper, the other trustee named in said will, be, and he is hereby authorized and required to fulfil and execute the said trusts solely, in as full and ample a manner as the same could have been executed by both the said trustees if this act had not been passed; *provided*, the said Cornelius S. Van Wagoner shall not be discharged from his duties as one of the executors of the said will, except as to the trusts aforesaid; and *provided further*, that nothing herein contained shall be so construed as to discharge the said Cornelius S. Van Wagoner from any liability incurred by him as such trustee before the passage of this act.

Passed March 11, 1842.

AN ACT to compel the owners and proprietors of lands lying upon Manalapan brook in the township of Freehold, in the county of Monmouth, and the township of Monroe, in the county of Middlesex, to clear out the same within the limits therein mentioned.

Preamble.

WHEREAS, the owners and proprietors of the lands lying upon or adjoining the Manalapan brook, in the township of Freehold, in the county of Monmouth, and in the township of Monroe, in the county of Middlesex have, by their petition, represented to the legislature, that by reason of the contracted condition of said brook, the waters thereof are greatly impeded and obstructed in their course, and thereby are caused to overflow the adjoining meadows and other lands, and thereby to damage the grass, or carry it entirely away;—For remedy whereof,

Owners and possessors required annually to remove obstructions.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the owners and proprietors of lands lying adjacent to the Manalapan brook, and along the same from the mills (now) owned by Simon Abrams, in the township of Freehold, in the county of Monmouth, to the head of the mill-pond (now) owned by James Barkeley, in the township of Monroe, in the county of Middlesex, are hereby required to open, widen, clear out and remove the obstructions to the free passage of the waters, either from the bed of the stream, or the banks thereof, within the limits aforesaid, between the first day of May next, and the fourth day of July, in the year of our Lord one thousand eight hundred and forty-two, and yearly and every year thereafter.

Managers appointed.

Sec. 2. *And be it enacted,* That John Perrine, junior, Taylor Mount and Simon Abrams, shall be and they are hereby appointed managers, for superintending and directing the clearing and opening said brook to a free passage of the waters thereof; and shall continue managers until the second Saturday of April, in the year of our Lord one thousand eight hundred and forty-three, and until their successors in office are appointed.

Proceedings in case of refusal to remove obstructions.

Sec. 3. *And be it enacted,* That if any of the owners or proprietors of said lands shall neglect or refuse to open, widen, clear out and remove the obstructions within the time aforesaid, and yearly and every year thereafter, according to the first section of this act, or when any two or more owners or proprietors of lands on each side of the stream, cannot agree as to the amount of work to be done by each, then it shall and may be

lawful for the said managers, or a majority of them, or their authorized agents, to enter into and upon the meadows and other lands lying upon said brook, within the limits aforesaid, with all necessary workmen and implements to open, widen, clear out and remove every obstruction to the free passage of the waters within the limits aforesaid, as may appear to them necessary, with as much regard to economy, and with as little detriment to the owners of the lands, as the circumstances will admit of; and to assess the owners and proprietors of said lands such a sum for clearing out said obstructions, as may appear to them just and reasonable; to be paid to the person or persons by whom such work is caused to be done; who is hereby authorized and empowered to prosecute and recover the amount, with costs, in an action of debt, in any court having cognizance of the same.

Sec. 4. And be it enacted, That it shall and may be lawful for the owners and proprietors of the meadows, or other lands lying upon said brook, and within the limits expressed in the first section of this act, to meet at the house where Hannah Gasten, inn-keeper in the village of Englishtown, in the township of Freehold, and the county of Monmouth, now lives, on the second Saturday in April, in the year of our Lord one thousand eight hundred and forty-three, and appoint, by plurality of votes, three managers, who shall be owners or proprietors of the meadows aforesaid, yearly and every year, after the second Saturday in April in the year of our Lord one thousand eight hundred and forty-three; which said managers shall continue in office one year next ensuing such choice, and until others shall be chosen; and shall, during the continuance of the year, be vested with all the powers herein before given to the managers named in the second section of this act, or either of them.

Time & mode
of annual
election of
managers.

Sec. 5. And be it enacted, That if any person or persons who are now named, or hereafter shall be chosen a manager or managers as aforesaid, shall die or resign before the expiration of the time for which he or they are so chosen, or who shall refuse to take upon him or themselves the management aforesaid, then and in such case, it shall and may be lawful for any three owners or proprietors of said meadows, to call a meeting of the owners or proprietors of the said property, by giving at least two weeks notice thereof, by fixing up advertisements in at least three of the most public places in the neighborhood of said owners or proprietors, expressing the time and place and intention of said meeting; who shall when met elect a person or persons to supply the place or places of such manager or managers so refusing, dying or resigning; and the person or persons so chosen, shall have all the power and authority herein before given to the managers named in this act.

Vacancies,
how supplied

Compensation to managers.

Sec. 6. And be it enacted, That there shall be allowed to managers, for the time they are respectively employed by the duties enjoined on them by this act, the sum of one dollar and fifty cents a day, each, to be paid by the person or persons whose neglect or refusal to comply with the requirements of the first section of this act, shall have rendered such service necessary; to be recovered by action of debt, with costs, in any court having cognizance of the same.

Passed March 11, 1842.

AN ACT to incorporate the Musconetcong Manufacturing Company.

Names of Corporators.

Style of incorporation.

General Powers.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Enoch Green, John G. Richey, Adam D. Ruukle, George B. Green and Thomas Hilton, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "The Musconetcong Manufacturing Company," for the purpose of manufacturing and finishing for market, cotton, woollen, and flax goods, in the village of Boonsbury, in the counties of Warren and Hunterdon in this state, and of carrying on the business necessarily incident thereto; and by that name they and their successors shall have succession and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing, pleading, defending and answering, and being sued, impleaded, defended, and answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold, and enjoy, and again to sell or otherwise dispose of such personal and real es-

late, said real estate not to exceed ten acres, as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned : *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of said corporation, shall be managed and conducted by five directors, being stockholders, (one of whom shall be president,) who shall hold their offices for one year, and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed either in the counties of Warren or Hunterdon : and each stockholder shall, at such election, be entitled, in person or by proxy, to one vote for every share he, or she, may hold in the capital stock of said corporation, under twenty, one vote for every two shares over twenty and under fifty, and one vote for every five shares over fifty ; and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors ; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had ; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done ; and all vacancies occurring by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose ; and that the said Enoch Green, John G. Richey, Adam D. Runkle, George B. Green, and Thomas Hifton, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday of April next, and until others are legally chosen.

Time & mode
of annual
election of
directors.

Vacancies,
how supplied

First
Directors.

Sec. 3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, which shall be divided into shares of one hundred dollars each ; but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same ; and it shall be

When corpo-
ration may
commence
business.

lawful for the directors of the said corporation, or a majority of them, from time to time, to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published for the space of thirty days, in one or more newspapers printed in said counties of Warren or Hunterdon, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made : *Provided*, that such instalments shall not exceed ten dollars on each share, nor be called for at less intervals than thirty days.

Directors to
open books
for subscrip-
tion.

Sec. 4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Stock person-
al estate.

Sec. 5. *And be it enacted*, That the stock of the said corporation, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation ; *Provided*, that no dividend shall be made to and among the stockholders except from and out of the actual nett profits of said corporation.

Proviso.

Corporation
not to be dis-
solved for
failure to
elect on day
prescribed.

Sec. 6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

Directors to
make by-
laws.

Sec. 7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation : *provided*, that the same are not contrary to the constitution or laws of the United States or of this State.

Proviso.

Sec. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation ; which said books shall always be

open during business hours for the inspection of any of the stockholders of said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Sec. 9. *And be it enacted*, That it shall not be lawful for the corporation created by this act to contract debts to an amount exceeding at any one time the amount of its capital actually paid in, and for any violation of this section, the president and directors shall be severally and jointly personally responsible for all debts beyond the amount of cash capital actually paid in.

Sec. 10. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders specially summoned for that purpose; provided, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock; unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them shall be trustees for the purpose aforesaid.

Sec. 11. *And be it enacted*, That unless five hundred shares of said stock shall have been subscribed and actually paid for, and the work of manufacturing be commenced within three years from the passage of this act, this charter shall be deemed forfeited and dissolved.

Sec. 12. *And be it enacted*, That the amount of capital stock herein before prescribed to be paid in before the company goes into operation, shall be paid bona fide; and not in notes or obligations, whether secured by pledges of stock or otherwise; and so, of any increase of capital thereafter made: and no part of the capital stock shall be withdrawn or refunded to the stockholders, until all the liabilities of the said company are discharged; and in case of any violation of any of the provisions of this section, the stockholders in said company shall be liable jointly and severally for all debts previously contracted by said company.

Books of
Company
to be open
to inspection
of stock-
holders.

Penalty for
refusal to
exhibit
books.

Annual state-
ment of affairs
of company
to be pub-
lished.

Limitation
of act.

Proviso.

Sec. 13. *And be it enacted,* That the book or books of the said company in which the transfer of the stock shall be registered, and the books containing the names of the stockholders, and the number of shares he, she, or they respectively own in said company are registered, shall at all times during the usual hours of business be open to the examination of every stockholder, and of all and every person having a claim or claims against said company; and of every sheriff or other officer having any process in his possession against said company; and, if any officer or clerk of said company, having charge of such books, shall refuse or neglect to exhibit such books, or submit them to examination as aforesaid, for every such offence, forfeit and pay the sum of one hundred dollars, one half for the use of this state, and the other half to any person who shall sue for the same; to be recovered by action of debt in any court having competent jurisdiction, together with costs of suit.

Sec. 14. *And be it enacted,* That in the month of January, in each and every year, the company shall after the passage of this act, publish a statement under oath or affirmation in one of the newspapers printed in the counties of Warren and Hunterdon respectively for at least three successive weeks; signed and attested by the president and a majority of the directors, of the amount of capital paid in, and the amount of all existing debts due from the company; and that no dividend shall be declared, or paid to the stockholders, when such dividend, or payment would render the company insolvent; and the debts of the company shall at no time exceed the amount of its capital actually paid in; and in case of any violation of the provisions of this section, the stockholders of the company shall be liable jointly and severally for all debts, previously contracted by the company, and for all that shall be contracted before such publication was made.

Sec. 15. *And be it enacted,* That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage; *provided nevertheless,* that the legislature reserve the right to alter or amend, or repeal the same whenever the public good may require it.

Passed March 11, 1842.

AN ACT to regulate the collection of moneys.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons, body politic or corporate hereafter shall have one or more notes against the same individual, which do not exceed the sum of one hundred dollars each, they shall not be allowed to blend the same in order to exceed the jurisdiction of the courts for the trial of small causes, but shall prosecute the same severally in said courts, unless such person or persons so prosecuting, his, her or their agent or attorney, shall first file an affidavit with the county clerk, that he, she or they verily believe the personal property of the defendant is insufficient to pay the debt.

Sums under
\$100—how
prosecuted.

Provide.

Passed March 11, 1842.

A FURTHER SUPPLEMENT to an act entitled “An Act to incorporate the Elizabeth Town and Somerville Rail Road Company,” passed the ninth day of February, A. D. eighteen hundred and thirty-one.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all mortgages heretofore given, or which shall hereafter be given by the said Elizabeth-Town and Somerville Rail Road Company, to secure the payment of moneys borrowed for the construction of the Rail Road authorized by the said act, or given to secure the purchase money of any land over which the said road is constructed or may be hereafter constructed, or to secure the payment for materials found, or work and labor done and performed in the construction and repairing the said road, shall be taken and held in law and equity, to be as valid and binding as in similar transactions between individuals, and the purchaser or purchasers, under a decree or judgment at law or equity upon such mortgage or mortgages, shall be invested with all the franchises, powers, privileges and

Mortgages
given by
Eliz. Town &
Somerville R.
R. Co. to be
valid.

Interest
vested in
purchaser.

Proviso.

rights, which by the charter of the said company were conferred on the said corporators, subject, nevertheless, to all the restrictions, conditions and limitations contained therein; *Provided*, that this act shall not take effect until the assent of two-thirds of the stockholders present or represented at any meeting called for the purpose, voting as they are authorized to do for directors, be first obtained; notice of which meeting shall be published at least thirty days previous thereto, in one or more newspapers published in the respective counties of Essex and Somerset, and provided further, that nothing in this supplement contained, shall be so construed as in any wise to alter or impair the lien, right, or interest of any judgment or claim against said company as the same now exists, or shall confer a more extended lien or interest in virtue of the aforesaid mortgages heretofore given or hereafter to be given, than they have now by law, so as to prejudice or injuriously affect judgments or claims now existing against said company.

Stockholders may have the right to redeem if said Railroad, &c. be sold.

Sec. 2. And be it enacted, That if at any time hereafter the rail road of the said Elizabeth-Town and Somerville Rail Road company, with the privileges, appendages, and appurtenances thereunto belonging, and the chartered rights and franchises of said company shall be sold by virtue of any judgment or decree, the stockholders of said company, or so many thereof as shall within six months after such sale, elect so to do, by notice in writing to the treasurer of the said company, shall have the right and privilege within six months thereafter to redeem the same by paying the amount of the said judgment or decree for which the same were sold with the interest thereon; and thereupon the stockholders so electing and paying, shall be entitled to the said rail road, with the privileges, appendages and appurtenances, to the same belonging, and all the chartered rights, franchises and stock of said company, in proportion to the sums by them respectively advanced for such redemption.

Public Act, and to take effect immediately.

Sec. 3. And be it enacted, That this act shall be deemed and taken to be a public act, and shall go into effect immediately after the passage thereof.

Passed March 11, 1842.

AN ACT to raise by Tax the sum of Forty Thousand Dollars.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That there shall be assessed, levied and collected, on the inhabitants of this State, their goods and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and forty-three. \$40,000 to be raised by tax.

SEC. 2. And be it enacted, That the said sum of forty thousand dollars shall be paid by the several counties of this state, in the proportion following, that is to say : Proportions to be raised by the several counties.

The county of Bergen shall pay the sum of thirteen hundred and thirty-four dollars. Bergen.

The county of Hudson shall pay the sum of eight hundred and twenty dollars. Hudson.

The county of Essex shall pay the sum of thirty-five hundred and fifty-two dollars. Essex.

The county of Passaic shall pay the sum of ten hundred and twenty-four dollars. Passaic.

The county of Morris shall pay the sum of thirty-one hundred and thirty-six dollars. Morris.

The county of Sussex shall pay the sum of twenty hundred and twenty-five dollars. Sussex.

The county of Warren shall pay the sum of twenty-one hundred and eighty-five dollars. Warren.

The county of Hunterdon shall pay the sum of thirty-one hundred and two dollars. Hunterdon.

The county of Somerset shall pay the sum of twenty-five hundred and ten dollars. Somerset.

The county of Middlesex shall pay the sum of twenty-seven hundred and thirty-two dollars. Middlesex.

The county of Monmouth shall pay the sum of thirty-seven hundred and twenty-four dollars. Monmouth.

The county of Burlington shall pay the sum of thirty-eight hundred and ten dollars. Burlington.

The county of Gloucester shall pay the sum of twenty-nine hundred and twelve dollars. Gloucester.

The county of Cumberland shall pay the sum of fifteen hundred and eighty-six dollars. Cumberland.

The county of Salem shall pay the sum of twenty-one hundred and fifty-six dollars. Salem.

Cape May: The county of Cape May shall pay the sum of six hundred and forty-six dollars.

Atlantic. The county of Atlantic shall pay the sum of four hundred and sixty-six dollars.

Mercer. The county of Mercer shall pay the sum of twenty-two hundred and eighty dollars.

Enumeration of articles taxed at specific sums. Sec. 8. *And be it enacted,* That the assessors of the several townships, cities or boroughs of this state, to raise the aforesaid sum of forty thousand dollars, shall assess and rate the several articles and things hereinafter enumerated, at the following sums :

Every covering horse or jack, above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse or jack is kept; all other horses or mules, three years old and upwards, any sum not exceeding eight cents.

All neat cattle, three years old and upwards, any sum not exceeding four cents.

Enumeration of articles taxed at discretion of assessor. Sec. 4. *And be it enacted,* That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons and things shall be valued and rated, at the discretion of the assessor, to wit :

All tracts of land of more than twenty acres, at any sum not exceeding one hundred dollars, by the hundred acres; and all houses and lots of land of twenty acres and under, connected therewith, and all lots of land of twenty acres and under, not connected with houses, shall be valued by the respective assessors, at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent, or value of the same, as near as may be, according to the scale by which they shall rate lands in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men,) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars, over and above their certainties and other estate made ratable by this act.

All merchants, shop-keepers and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover-mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupulo furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupula furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forgeries and bloomeries that work bar-iron, immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper-mills, any sum not exceeding ten dollars.

All snuff-mills, any sum not exceeding nine dollars.

All powder-mills, any sum not exceeding fifteen dollars.

All oil-mills, or oil-presses, any sum not exceeding nine dollars.

All bark-mills propelled by water or steam, for grinding bark for sale, any sum not exceeding ten dollars.

All felling-mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll-bridge, any sum not exceeding twenty dollars.

All tan yards where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries used for distilling, any sum not exceeding thirty dollars, having due regard to the size, capacity and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage-wagon, any sum not exceeding five dollars.

Every two-horse stage-wagon, any sum not exceeding two dollars and fifty cents.

Every covered riding wagon, any sum not exceeding seventy-five cents.

Every two horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding-chair, gig, sulky or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching and dyeing manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars and fifty cents.

Every glass or porcelain manufactory; where glass or porcelain ware is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Tax of single men.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and fifty cents over and above the certainties made ratable by this act; if any single man be a householder he may at the discretion of the assessor, be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be construed to subject any species of property to be taxed more than once; and that no property herein specifically mentioned as taxable, shall be subject to a tax as real estate.

Proviso.

Duties of assessor.

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out, in his tax-book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and that the amount of tax assessed in each township, city or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing, levying and collecting.

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars shall be assessed, levied and collected in the manner prescribed in the act entitled "An Act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before mentioned acts.

Fees of officers.

Act to take effect immediately.

Sec. 7. *And be it enacted*, That this act shall go into operation, and be in full force immediately after the passage thereof.

Passed March 11, 1842.

A SUPPLEMENT to the Act, entitled "An Act to create the County of Hudson."—Passed February twenty-second, one thousand eight hundred and forty.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the several Courts now directed by law to be holden in and for the county of Hudson, on the fourth ^{Times of holding Courts in} Tuesday of April, the fourth Tuesday of July, the first Tuesday of October, and the fourth Tuesday of December, ^{Hudson Co.} annually,—shall hereafter be held in and for the said county, on the second Tuesday of March, the first Tuesday of June, the third Tuesday of September, and the second Tuesday of December, annually.

Sec. 2. *Be it enacted,* That the Courts now directed by law to be holden in and for the county of Bergen, on the third Tuesday of September—shall, hereafter be held ^{Times of holding courts in Bergen Co.} in and for the said county, on the first Tuesday of October, annually.

Sec. 3. *Be it enacted,* That the several Courts of the County of Hudson, now by law directed to be held at the Lyceum Building, in Jersey City, may, when deemed necessary by the said Courts, or any of them, be held in such other place than the Lyceum Building, in Jersey City, as they may direct, until a Court House shall be built or procured for said county. ^{Courts, where to be held.}

Sec. 4. *Be it enacted,* That the Sheriff of the county of Hudson shall be, and hereby is authorized, whenever he shall think it necessary for their safe keeping, to carry ^{Prisoners may be confined in Essex county jail.} such prisoner or prisoners as may be committed to his custody, to, and confine them in the jail of the county of Essex; and the keeper of the said jail is hereby required to receive, and safely keep, every such prisoner so delivered to him in the same manner, and under the same penalties, as he is, or may be, by law required to keep and provide for the prisoners of the county of Essex, until such prisoners shall be demanded by the proper officer or officers of the said county of Hudson, or by other due and legal authority. And the said keeper shall be entitled to receive from the Board of ^{Keeper to receive compensation.} Chosen Freeholders of the said county of Hudson, such fees and compensation for the support of the prisoners, so committed to the said jail as aforesaid, as are, or shall be allowed by the Board of Chosen Freeholders of the county of Essex.

Sec. 5. *Be it enacted,* That the second, third, and fourth sections of this act, shall go into effect immediately after the passage thereof; and the first section, on the first day of May next.

Passed March 11, 1842.

—o—

AN ACT to establish a new township in the county of Mercer, to be called the township of Hamilton.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that part of the township of Nottingham, in the county of Mercer, which lies within the following limits, to wit: Beginning in the middle of the Delaware and Raritan Canal, where the same crosses the Assanpink creek, and in the middle of said creek, and following the middle of the said canal to the confluence thereof with Crosswicks creek, the dividing line between the counties of Mercer and Burlington, and to the middle of said creek, thence up the same, the several courses thereof, to the line between the counties of Monmouth and Mercer, thence along said line, and along the line between the said township of Nottingham and the township of East Windsor and West Windsor, in the said county of Mercer, to the middle of the Assanpink creek, thence down the said Assanpink creek, the several courses thereof, to the place of beginning, shall be and the same is hereby set off from the said township of Nottingham, and established into a separate township, to be known by the name of "The township of Hamilton in the county of Mercer."

Boundaries of
the township
of Hamilton.

Sec. 2. *And be it enacted,* That the inhabitants of the said township of Hamilton, shall be and they hereby are constituted a body politic and corporate and shall be styled and known by the name of "The inhabitants of the township of Hamilton in the county of Mercer;" and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Mercer are or may be entitled or subject to by the existing laws of the state.

Township of
Hamilton in-
corporated.

Sec. 3. *And be it enacted,* That the inhabitants of the said township of Hamilton, shall hold their first annual town meeting, at the house now kept by John Gingles, at Yardsville, in the said township of Hamilton, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Mercer. Time & place of first annual town meeting

Sec. 4. *And be it enacted,* That all paupers who may be chargeable to the said township of Nottingham at the time when this act shall go into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they shall have acquired their settlements, respectively, or in which they may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the said township of Nottingham, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Nottingham and Hamilton, within the bounds of which they respectively resided, at the time of acquiring their respective settlements. Allotment of paupers to be maintained by each township.

Sec. 5. *And be it enacted,* That the township committees of the townships of Nottingham and Hamilton shall meet on the Monday next after the annual town meetings in the said townships of Nottingham and Hamilton, at the inn of Charles M. Warner, in the said township of Nottingham, at ten o'clock in the forenoon, and shall then and there, or as soon afterwards as may be, proceed by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships all the property and moneys on hand or due, in proportion to the taxable property and rateables, as valued and assessed by the assessor, within the respective limits of the said townships at the last assessment; and the inhabitants of the said township of Hamilton shall be liable to pay their just proportion of the debts, if any there be, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive; Time & mode of division of property and pay't of debts *provided,* that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled as aforesaid may think proper. Proviso.

Sec. 6. *And be it enacted,* That nothing in this act contained shall be construed to impair, or in any wise affect the rights of said township of Hamilton of, in and to any portion of the surplus revenue of the general government Rights of new township to portion of surplus revenue not to be affected.

to which the said township may now or at any time hereafter be entitled, in the distribution of said surplus revenue.

Act, when to
take effect.

Sec. 7. *And be it enacted*, That this act shall take effect on the second Monday in April next, and not before.

Passed March 11, 1842.

—o—

SUPPLEMENT to an Act entitled "An Act to prevent frauds by incorporated companies," passed February sixteen, eighteen hundred and twenty-nine.

Receivers
authorized to
sell chartered
rights, &c. in
certain cases.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever receivers or trustees, appointed or to be appointed, by virtue of the act to which this is a supplement, for the creditors and stockholders of any company, shall have charge of any canal, rail road, turnpike or other work of a public nature, in which the value of the work is dependent upon the franchise, and in the continuance of which the public as well as the corporators and creditors of such company have an interest, it shall be lawful for such receivers or trustees to sell or lease the principal work for the construction whereof the said company were incorporated, together with all the chartered rights, privileges and franchises, belonging to said company and appertaining to such principal work; and the purchaser or purchasers, lessee or lessees of such principal work, chartered rights, privileges and franchises, shall thereafter hold, use, and enjoy the same, during the whole of the residue of the term limited in the charter of said company, or during the term in such lease specified, in as full and ample a manner as the stockholders of such company could or might have used and enjoyed the same—subject, however, to all the restrictions, limitations, and conditions, contained in such charter. *Provided*, that nothing herein contained shall be so construed as to apply to, or in any wise affect "The Morris Canal and Banking Company," or any other corporation authorized by law to exercise banking privileges.

Proviso.

Act to take
effect immediately.

Sec. 2. *And be it enacted*, That this act shall go into operation immediately on the passage thereof.

Passed March 11, 1842.

A SUPPLEMENT to the act entitled "An Act incorporating the inhabitants of townships—designating their powers, and regulating their meetings," passed the twenty-first day of February, seventeen hundred and ninety-eight.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the fourth day of July next, the oath required to be taken by every assessor, under the nineteenth section of the act hereby amended, shall be in the following form : Assessors to take an oath.

"I ————— do solemnly and sincerely promise and swear (or affirm,) that I will truly, faithfully, honestly and impartially value and assess the ratable estates in the township of ————— in the county of ————— and that in making such valuations and assessments, I will, to the best of my knowledge and judgment, observe the directions of the law respecting the same ; and that I will make a true return of all such assessments to the board of assessors, at their meeting, required to be held on the first Monday of September by the third section of "An Act concerning taxes," passed the tenth day of June, seventeen hundred and ninety-nine." Form of oath.

Sec. 2. *And be it enacted,* That the board of assessors of the several counties shall annually make nett abstracts of ratables for their respective counties from the assessments so returned. Board of Assessors to make annual abstract of ratables.

Sec. 3. *And be it enacted,* That so much of the nineteenth section of the act hereby amended, as prescribes the form of the oath to be taken by assessors, be and the same is hereby repealed. Part of former act repealed.

Passed March 11, 1842.

AN ACT to authorize Nathan Auten, of the county of Somerset, to sell certain Real Estate.

WHEREAS, Thomas Auten, by deed dated the first of January, eighteen hundred and thirty-one, conveyed to Nathan Auten, about seventy-one acres of land, situate in

the township of Warren in said county ; which deed contains the following clause, to wit :—

Preamble.

WHEREAS, the said Thomas Auten, lately, to wit : on the 10th day of March, 1830, purchased at the marshal's sales of the real estate of Robert Arnold, sold at the suit of the United States, two certain lots of land, situate in the township of Warren, in the possession of Nathan Coon, for the purpose and intention that said lots shall be employed by their rents, issues and profits, to the support and maintenance of William Arnold, an idiot, aged about thirty years, said to be the natural son of the said Robert Arnold, and in charge of said Nathan Coon ; and further, it was set forth in said deed that said Nathan Auten should hold the said lands in trust, and apply the profits to the support of said idiot ; and if the profits should not be sufficient, the said trustee was authorized to sell so much of said lands as might be necessary, &c. : that the lands remaining unsold at the death of said idiot to be employed by said trustee for the benefit, support and comfort of the said Nathan Coon and Mary his wife, during their lives ; AND WHEREAS, it appears that the said idiot is dead, leaving about thirty-three acres of land unsold ; that the rents, issues and profits are insufficient to support the said Nathan Coon and wife ; and that they have petitioned the legislature for a law authorizing said trustee to make sale of the remainder of said land :—Therefore,

Nathan Auten authorized to sell certain lands.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Nathan Auten be and he is hereby authorized and empowered to make sale at public vendue, of the said lands, (giving notice thereof, as is required to be given by administrators, in cases of sales of real estate,) and to make a good and sufficient title and titles for the same.

Trustee to give bond to Governor.

Sec. 2. *And be it enacted,* That before said trustee shall make sale of said real estate, he shall enter into bond to the governor of this state, with such sureties and in such sum as the judges of the Orphans' Court of the county of Somerset shall determine ; conditioned for the faithful performance of the trust assigned him by this act ; which bond shall be filed in the surrogate's office of said county.

Proceeds of sale, how to be applied.

Sec. 3. *And be it enacted,* That it shall be and is hereby made the duty of the said trustee to apply the money arising from the sale of said real estate, to and for the support of the said Nathan Coon and Mary his wife, during their lives and the life of the survivor, (after deducting the necessary costs and charges arising from the execution of this trust.)

Sec. 4. And be it enacted, That the said trustee shall be liable to be cited before said Orphans' Court, by any person interested in said matter.

Trustee may be cited before Orphans' Court.

Passed March 11, 1842.



AN ACT to defray Incidental Expenses.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this state, to pay to the several persons hereinafter named, the following sums, viz :—

Certain incidental charges directed to be paid.

1. To William Marseilles, for repairs to government house and premises, eleven dollars and thirty-six cents.

2. To Charles Scott, for binding laws, twenty-eight dollars and seventy-five cents.

3. To Jonathan Cook, for wood for state-house, twelve dollars and seventy-five cents.

4. To Samuel R. Hamilton, for postage as Quarter Master General and carting arms to state arsenal, by Edward Davis, Washington Reed, and William A. Green, and William A. Taylor, thirteen dollars and thirty cents.

5. To Clemens & Baker, for sundries to state arsenal, four dollars sixty-eight cents.

6. To Daniel Baker, for services of extra hands at state arsenal, ten dollars.

7. To William Grant, junior, for work done at state arsenal, four dollars twelve cents.

8. To Blackfan & Wilkinson, for lumber for state arsenal, nine dollars and thirty-five cents.

9. To Jonathan S. Fish, for coal for state arsenal, sixteen dollars and twenty-five cents.

10. To Thomas Upton, for stove for state arsenal, five dollars and ninety cents.

11. To S. & J. G. Brearley, for sundries for state arsenal, nine dollars and sixty-seven cents.

12. To Jonathan S. Fish, for coal for state house, one hundred and six dollars and twenty-five cents.

13. To Isaac Southard, Treasurer, for expenses, packing Laws, Supreme Court Reports, Journals of Council, Minutes

of Legislature, United States Laws, and for extra travelling expenses, to obtain loans, to receive interest on loans, dividends on stock, &c. and for office rent, &c. one hundred and fifty-seven dollars and six cents.

14. To George M. Furman, for care of assembly room and sundries for same, forty-one dollars and eighty-seven cents.

15. To Reuben Betchel, for two dozen chairs for chancery room, nineteen dollars.

16. To Samuel R. Gummere, for books, desks and stools for chancery office, ninety-eight dollars and fifty cents.

17. To Jasper Scott, for materials and work to the government house, nine dollars and eighty-seven cents.

18. To Fish, Green & Company, for materials to repair government house, forty-two dollars and eighty-seven cents.

19. To Sylvester Van Sickle, for cushioning chairs and upholstering clerk's desk, nine dollars.

20. To Daniel Fenton, for books and stationery for office of Secretary of State, eight dollars and thirteen cents.

21. To Bird & Weld, for work done to press and seals, making stamp, &c. at Secretary of State's office, eighteen dollars and fifty cents.

22. To Isaac Dunn, for work done at Secretary of State's office, nine dollars.

23. To Reuben Betchel, for painting chairs at office of Secretary of State, three dollars.

24. To Thomas Upton, for stove pipe and work done at the furnaces for state house, forty-seven dollars and eighty-eight cents.

25. To F. R. Lafaucherie, for sundries furnished for state house, twenty-three dollars and ninety two cents.

26. To V. T. Brownere, for Map and Gazetteer of the United States, for Secretary of State's office, ten dollars.

27. To W. W. Norcross, for candles for Assembly, forty-one dollars and ninety-five cents.

28. To McCoy & Weart, for use of carriage and horse for committee on state prison accounts, six dollars.

29. To John McKelway, for copy of the census of this state, as filed in Joseph C. Potts' office, District Clerk, ten dollars.

30. To S. & J. G. Brearley, for sundries, for government house, nineteen dollars and eighty-nine cents.

31. To Enoch W. Green, for work and materials, making new desks, tables, &c. for the Assembly room, sixty-nine dollars and four cents.

32. To George W. Howell, for mason repairs in Council chamber, two dollars.

33. To Morris, Tasker & Morris, (Philadelphia,) for examining and furnishing materials for the heating furnaces of the state house, by order of the legislature, thirty-three dollars and eighty-seven cents,

34. To Union Transportation Line, for freight of cannon from New-Brunswick to Trenton, ten dollars.

35. To Charles C. Yard, for sundries for state library, five dollars and ninety cents.

36. To J. R. S. & W. S. Barnes, for hardware for Secretary's office and state house, and stationery for Council, twenty-four dollars and forty-seven cents.

37. To Philip J. Gray, for advertising Court of Appeals, &c. ten dollars.

38. To William Hancock, for repairs done to heating apparatus in state house, nine dollars and seventy-five cents.

39. To Samuel Prior, jr. for indexing Votes and Proceedings, and stationery for the House of Assembly, three hundred and forty-five dollars.

40. To Daniel Fenton, for balance on stationery for 1841, thirteen dollars and thirty-five cents.

41. To Jonathan Steward, for stationery for Council and state offices, one hundred and forty-five dollars and sixty cents.

42. To H. Canfield, for sundries for Council, eight dollars and ninety cents.

43. To Charles Scott, for journal for Council, seven dollars.

44. To William D'Hart, for stationery for Council, three dollars and thirty-seven cents.

45. To H. C. Boswell, for ink for Council, one dollar twenty-five cents.

46. To W. W. Norcross, for candles and sundries for Council, sixty-two dollars and forty-seven cents.

47. To Sherman & Harron, for printing for legislature, eight hundred four dollars and ninety-four cents.

48. To James T. Sherman, for forty copies of Sitgreave's Manual, sixty dollars.

49. To Sherman & Harron, for printing report of the Trustees of the School Fund, one hundred and two dollars fifty-four cents.

50. To Justice & Mills, for printing for Council, four hundred and six dollars.

51. To Joseph Justice, for publishing laws, &c. forty-two dollars and six cents.

52. To Joseph Justice, for stationery for Council, twelve dollars and thirty-eight cents.

53. To Phillips & Boswell, for printing blanks, &c. for Secretary's office, eighty-four dollars.

54. To Phillips & Boswell, for balance on current printing, eleven dollars ninety cents.

55. To Staten Jefferies, for work done to state-house, one dollar eighty-two cents.

56. To David Witherup, for work done to state-house, eight dollars and six cents.

57. To Wm. A. Benjamin, for serving subpoenas in the matter of the complaint of George Titman against William R. Sharpe, a Justice of the Peace in and for the county of Warren, for alleged official misconduct, and for horse hire, travelling expenses, &c. forty-five dollars.

58. To the following persons for attendance before the Committee of the House of Assembly, at Trenton, as witnesses, and for travelling fees in the said matter of complaint against the said William R. Sharp, to wit :

To Robert Shay, nine dollars.

To John Stute, nine dollars.

To Alfred Boulby, nine dollars.

To Eben Owen, nine dollars.

To Frederick Searles, nine dollars.

To Richard Dell, nine dollars.

To Benjamin Jay, nine dollars.

To John Shay, nine dollars.

To Philip Cyphers, nine dollars.

To John Cole, nine dollars.

To George Titman, nine dollars.

To William M. Deldine, nine dollars.

To John Wilson, Jr. nine dollars.

To Peter P. Campbell, nine dollars.

To John Hull, nine dollars.

To Daniel Pittinger, nine dollars.

To Jacob Sharp, nine dollars.

To George Green, nine dollars.

To Benjamin Shackleton, nine dollars.

To Emmer K. Adams, nine dollars.

To Jacob Corson, nine dollars.

To Henry McMiller, nine dollars.

To William Tway, six dollars.

To John F. Klein, one dollar.

To Isaac Wildreck, eight dollars.

59. To Robert E. Horner, for stationery for Council, twenty-one dollars and seventy-five cents.

Passed March 11, 1842.

AN ACT to enable the Owners and Possessors of the Meadow and Marsh Lands adjoining the creek commonly called Crom-kill, in the county of Hudson, to erect and maintain banks, dykes, dams and water works sufficient to prevent the tide from overflowing the same.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of the meadow and marsh lands lying on and adjoining the creek commonly called Crom-kill, in the county of Hudson, and north of the causeway leading to the island of Seacaucus, and between that island and New Durham, extending as far as the northerly point of the Cedar Swamp, on said island of Seacaucus, in the county of Hudson; which owners and possessors shall be denominated and known by the name of the "Crom-kill Meadow Company;" immediately, or as soon as they may deem it expedient, after the passage of this act, to call a meeting, by giving at least ten days' notice of the time and place of holding the same, by advertisements set up in five or more public places in the township of Bergen, and by causing the same to be published in the Jersey City Advertiser and Hudson Republican, or a newspaper printed and published at Jersey City, in said county, at least two weeks previous to the said time; and yearly thereafter, on the day next following the annual town-meeting of every year; every future meeting to be held at such place as may, by a majority of the votes of the owners or possessors present at the meeting, be appointed; and on failure of such appointment, then at the place where the last meeting was held, then and there, by a majority of the votes of the said owners or possessors present, personally or by proxy, as by law hereinafter prescribed, to choose out of the owners or possessors one clerk and three managers for the ensuing year, or until others be chosen in their places: it being the intent and meaning of this act, that the officers chosen at the first meeting of the said company, shall be elected to serve until the day next following the annual town meeting next after the said election, and until others are chosen in their places; and in case of death, removal, inability or refusal of the said officers, or either of them, to serve, it shall be lawful for any three of the owners or possessors, by public advertisements under their hands, set up in five of the most public places in the township of Ber-

Boundaries of meadow and marsh lands.
Time & mode of electing Officers.
vacancies, how supplied

Duties of clerk.

gen, and by causing the same to be inserted in the Jersey City Advertiser & Hudson Republican, or a newspaper printed and published at Jersey City, at least two weeks previous to the said time, to call a meeting of the said owners and possessors at the place where the last annual meeting was held; and there and then, by majority of the votes as hereinafter ordered, choose one or more managers or clerk, as the case may require, who shall serve until the next annual meeting, or until others are chosen in their stead; and the clerk so chosen shall, at the expense of the owners keep a book, and shall see that the names of all the owners and possessors, for the time being, are entered therein, and make fair entries of all their proceedings at their meetings, and all such other entries, from time to time, as may be necessary for the well ordering of their affairs, and shall also make out duplicates of all assessments.

Commissioners to cause survey to be made.

Sec. 2. *And be it enacted*, That James G. King, Abel I. Smith and Mitchel Saunier, of the said county of Hudson, be and are hereby appointed commissioners, wlio, or a majority of whom, shall at any time after the passage of this act, after giving ten days' notice, by advertising the time and place of their meeting in three of the most public places in the neighborhood of said premises, cause a survey to be made of the exterior limits or boundaries of the said meadow and marsh lands, at such place or places as to them, or a majority of them, shall seem expedient; and a return, together with a plot or map to be made, showing the quantity contained in the said survey, and the number of acres held by each person, as nearly as practicable, which shall be given to the said managers, and shall remain in their possession during their continuance in office, and upon expiration of such time, be delivered to their successors in office, and shall be received on all occasions as evidence of each owner's or possessor's quantity of acres; and all assessments and votes shall be made and given according thereto, until a new measure and valuation of said meadow and marsh shall be made as is hereinafter directed; and the said commissioners shall locate, point out and direct, by monuments or otherwise, the place or places where all the banks, dykes, dams, flood-gates, sluices and every work necessary and proper to reclaim and keep the tide out of the said meadow and marsh shall be erected, directing the whole or any part of the said Crom-kill to be left open or not, or a dam to be made at any place across the same, at their discretion.

To fix upon the proper place for the erection of dams, dykes, &c.

Owners to furnish commissioners with an account of the number of acres they possess.

Sec. 3. *And be it enacted*, That each owner or possessor shall, when so requested, by either of the said commissioners, furnish them with a statement in writing, containing a correct account of the number of acres he or she owns or possesses within the said survey; and if any refuse or neglect so to do,

then the said commissioners shall report the quantity which they shall suppose him, her or them to possess, upon due inquiry.

Sec. 4. *And be it enacted*, That in case of the death, removal, inability, refusal or neglect to serve of all or either of the said commissioners, it shall be lawful for the said owners or possessors, or any three of them, to call a meeting of the said company in the neighborhood of the said premises, by giving notice in the manner prescribed by the first section of this act, to choose one or more judicious, disinterested person or persons, as the case may require, to supply the vacancy or vacancies so occasioned.

New commis-
sioners to sup-
ply vacancy—
How appoint-
ed.

Sec. 5. *And be it enacted*, That in all cases of an election of officers or for other purposes, excepting for commissioners as above specified, the mode of voting shall be in person or by proxy, in writing duly executed, or by guardian for his or her ward or wards, in the following ratio: every person owning or possessing ten acres, or any quantity less than ten acres, shall be entitled to one vote, and every one owning or possessing ten acres and not exceeding thirty acres, one vote for every ten acres, and one vote for every additional twenty acres, though not in all to exceed ten votes in his own right; and all joint tenants and tenants in common, and each owner thereof, shall be entitled to vote in like manner as aforesaid, to the extent of his or her individual interest; *provided*, that no person claiming a vote or votes at any election as aforesaid, as possessor, shall be entitled to a vote unless he shall have been such possessor for at least three months next preceding such election; this proviso not, however, to affect the rights of the bona fide owner.

Regulations
respecting
elections for
officers, &c.

Sec. 6. *And be it enacted*, That it shall be the duty of the managers, and they are hereby authorized and empowered by contract or otherwise, to erect, cast up, make and complete good and sufficient banks, dykes, dams, flood-gates, sluices, and every other work necessary and proper to keep out the tide, at such place or places as the aforesaid commissioners shall direct, and dig and take for the purposes aforesaid, any earth, mud or sod, in any part of the said meadow and marsh land, the most convenient and least detrimental to the owners thereof; and, also, to purchase materials and employ artificers to make and construct the works aforesaid, and to have free ingress and egress for themselves and their teams through any part thereof; and the said managers shall dig open and clean out all such main sluice, races and water courses as far up as the commissioners hereafter to be chosen shall direct, to be kept at all times open and clear, of such width and depth as to give the water a sufficient fall off said meadows; and all line ditches necessary for draining the said meadows, shall be dug and

Powers and
duties of
managers.

kept open agreeably to the directions of the said managers by and at the expense of the owners of the soil adjoining; and if any of the said owners shall refuse or neglect to dig or cleanse their proportion of such line ditches, or clean out their own particular ditches for thirty days after orders for that purpose have been given in writing to the said owner or possessor thereof, by the managers or any two of them, it shall and may be lawful for any person or persons injured thereby, to enter upon the premises and dig or cleanse such ditches, and recover the costs and expenses by an action of debt against the person or persons whose duty it was to have performed the same in manner aforesaid.

Owners to be assessed for payment of expenses. Sec. 7. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered to assess and collect from the several owners or possessors of the meadow and marsh within the bounds of the commissioners' survey, all such sum or sums of money as the said owners or possessors, by majority of votes as heretofore directed, shall order and direct to be raised for the purpose of defraying the expenses of erecting and maintaining the banks, dykes, dams and works aforesaid, ratably, in proportion to the quantity each owner may have, the first assessment not to exceed ten dollars per acre on all the meadow and marsh included in the above survey.

Remedy for delinquencies in payment of assessments. Sec. 8. *And be it enacted*, That if any of the said owners or possessors shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of thirty days after notice to him, her or them given or left at their usual place of abode, if residing in the county of Hudson, or by advertisements set up in five of the most public places in the county of Hudson, for the same space of time if not residing in said county, by either of the said managers, in the name of "The Crom-kill Meadow Company," to recover the amount thereof in an action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence; and on proof of such notice having been given as aforesaid, the court in which such action may be brought, shall give judgment for the sum assessed, or so much thereof as appears to be due, with costs of suit.

Lands to be pledged for payment of money expended. Sec. 9. *And be it enacted*, That for the security of moneys expended, or to be expended or assessed by virtue of this act, all the meadow and marsh that shall be included by the said bank or dyke, and within the commissioners' survey, shall be a pledge for the payment thereof into whose hands the same may come, notwithstanding any judgment, execution, sale or alienation thereof; *provided*, that no other property of the defendant,

Proviso.

except the said meadow and the produce thereof, shall be in any way liable for any such assessment; and the said managers may, for the recovery of the sum or sums of money so assessed, enter and take the rents, issues and profits thereof, or **Money, how collected.** sell and dispose of the grass, hay or grain thereon, or may sell by public vendue, for a year or term of years, the meadow and marsh of each delinquent, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time that will liquidate the so unpaid sum or sums, with costs and expenses; and it shall be the duty of the managers, or a majority of them, to give at least twenty days' notice of the time and place of such sale, by advertisements in five of the most public places in the county of Hudson; and by causing the same to be inserted in a newspaper published nearest the premises, before they proceed to enter on, lease or sell the property of any delinquent.

Sec. 10. *And be it enacted*, That as soon as the banks, dykes, sluices and other works shall be completed, the said managers shall call a general meeting of the company, by giving fifteen days' public notice thereof, by advertising in the manner prescribed in the ninth section of this act, setting forth the time and place of meeting; and the owners and possessors shall when met, by majority of their votes as heretofore directed, choose three judicious, disinterested persons as commissioners, who, or a majority of whom, after notification of their election, shall view the said premises, and cause each owner's or possessor's share to be strictly measured, and a correct plot or map to be made, exhibiting the number of acres held by each; and, also, make a new valuation of the same, having regard to quantity and quality; and their map, report and valuation, under their hands, or under the hands of a majority of them in writing, shall be given to the managers, and shall remain in their possession during their continuance in office; and at the expiration of such term be delivered to their successors, and shall be entered in the clerk's book, and received as evidence of each owner's quantity of acres, and the value each lot is rated at; and all future assessments shall be made in proportion thereto.

Sec. 11. *And be it enacted*, That if it shall appear after the measurement and valuation aforesaid, that some of the said owners or possessors have paid more than their ratable proportion of taxes to defray the preceding expenses, then the said managers shall assess the same upon those who have not paid their ratable proportion, in such manner as shall to them appear just and equitable, and refund to each individual the sum or sums by him or her overpaid, with interest; and if the sluices or other water works to be laid in said bank shall require new

Commissioners to cause survey and map to be made of each owner's share.

Proceedings in case of over-assessment.

Damages,
how assessed
and paid.

sluice-races to be dug through any lots of said meadow or marsh, and not passing along the line thereof, it shall be the duty of the commissioners appointed by the tenth section of this act, to assess the damages each owner or possessor may have sustained in consequence thereof, and deliver to the said managers their assessment in writing, under their hands, or the hands of a majority of them; which said damages so assessed shall be paid by the managers, for the time being, to the person or persons so injured, out of the common stock of the company.

Special meet-
ings how
called.

Sec. 12. *And be it enacted*, That whenever the managers, or a majority of them deem it necessary to call a special meeting of the company, they shall give at least ten days' notice thereof to its members, by advertisements, in the manner prescribed by the ninth section of this act, designating the time, place and object of such meeting.

Compensa-
tion to com-
missioners.

Sec. 13. *And be it enacted*, That the commissioners appointed by the second and tenth sections of this act, shall receive from the managers one dollar per day for every day they, or either of them, respectively, shall be employed in discharging any of the duties herein enjoined, all other aids and assistants by them employed, such compensation as the said commissioners shall deem equitable and just, to be paid by the managers, for the time being, out of the funds of the said company; and the fees, wages, or remuneration of all the officers chosen or to be chosen by the said meadow holders, shall be fixed and determined by a majority of the votes of said company, at its annual meeting.

Books of ac-
counts to be
kept and ex-
hibited an-
nually.

Sec. 14. *And be it enacted*, That the said managers shall provide, at the expense of the said company, a suitable book, in which shall be entered all their proceedings, and a just and true account of all moneys they may receive and expend; and shall at every annual meeting exhibit the same, with vouchers to the said company, and shall deliver the balance, if any there be in their hands, together with the said books, and all the other papers of the said company, to their successors in office; and the said managers shall be accountable for any moneys remaining in their hands, at the end of every year; and if the said managers refuse to pay over such balance to their successors, then and in that case, their successors in office shall sue for and recover the same in an action of debt, with costs, in any court of competent jurisdiction.

Penalty for
injuring dams
or works.

Sec. 15. *And be it enacted*, That if any person or persons shall wilfully damage or injure the said banks, dykes, dams, sluices, gates, or any of the water works constructed, as heretofore directed, he, she or they shall for every such offence forfeit and pay fifty dollars, to be recovered, in action of debt, with costs, before any justice of the peace of any county in this

State ; and shall be further liable to pay all damages that may in any case arise from such injury, to be recovered in an action of trespass, in any court having cognizance thereof, with costs of suit ; and the managers for the time being, are hereby enjoined and authorized, to prosecute said action or actions, in the name of the said company, and to apply the money so recovered and received to repairing the works.

Passed March 11, 1842.

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AN ACT to authorize the sale of certain Real Estate whereof Ann White, late of the county of Monmouth, deceased, died seized.

WHEREAS, it is represented by the petition of Isaac P. White, that Ann White, late of the county of Monmouth, deceased, died seized and possessed of a certain lot or parcel of land, situate in the township of Shrewsbury, in the said county, without having made any last will or testament, and leaving the above named petitioner and Henry B. White, Eseck T. White, and Margaret Butcher and Elizabeth Butcher, children of Harriet Butcher, a deceased daughter of the said Ann White, deceased, her heirs at law—that letters of administration of the personal estate of the said deceased were granted in due form to the above named petitioner—that the said Henry B. White and Eseck T. White have since died, the former leaving his two sons *Preamble.* Eseck White and John B. White, minors, his heirs at law, and the latter leaving his widow Elizabeth H. White, who hath signified her assent to the passage of the law above mentioned—that the above named petitioner is now the Guardian of the children of the said Henry B. White and Margaret Butcher, deceased, and that the said premises cannot be divided without great sacrifice of the value thereof, and that the same cannot now rent for the interest of the proper value thereof—and it appearing to be the interest of the parties that the same should be sold, and due notice of this application having been given, and no cause appearing to the contrary :—
Therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Isaac P. White, Guardian as

Guardian authorized to sell real estate.

Interest vested in purchaser.

Account of sales to be filed in Surrogate's office of Monmouth.

Guardian to give bond to Ordinary.

Sale not to impair rights of persons other than heirs.

aforesaid be, and he is hereby authorized and empowered to sell the said premises, at public vendue, to the highest bidder, first giving thirty days notice of the time and place of said sale in one of the public newspapers printed and circulated in said county of Monmouth, and also by handbills set up for the like space of time in at least ten of the most public places in the neighborhood of the said property previous to the day of sale, and when sold, to make, execute and deliver, in his own name as guardian as aforesaid, good legal and sufficient deed or deeds therefor to the purchaser or purchasers thereof; which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate all the right, title and interest of the said Ann White therein at the time of her decease.

Sec. 2. *And be it enacted*, That the said Guardian shall keep a fair, full and just account of the proceeds of the sale or sales made by virtue of this Act and of the costs and expenses thereof, and shall exhibit the said account under oath or affirmation to the Orphans' Court of the county of Monmouth within six months after such sale or sales shall be made, to be approved by the said court and filed in the surrogate's office of the said county, and the said Isaac P. White, Guardian as aforesaid, after deducting from the proceeds of the said sale or sales, all necessary costs and expenses and such reasonable commissions as shall be allowed by the said court, shall invest the residue thereof under the direction of the said Orphans' Court of the county of Monmouth, for the benefit of the parties interested therein according to their respective rights.

Sec. 3. *And be it enacted*, That the said Guardian before entering upon the execution of the trust reposed in him by this act, shall enter into bond to the Ordinary of this State, in such sum and with such security as the said Orphans' Court shall approve, conditioned for the faithful performance of the said trust, which bond shall be filed in the Prerogative Office of this State; and in case the said bond shall become forfeited, it shall and may be lawful for the Governor of this State for the time being, to order the same to be prosecuted at the request and for the benefit, and at the proper costs and charges of the person or persons aggrieved by such forfeiture.

Sec. 4. *And be it enacted*, That no sale or conveyance made by virtue of this act, shall impair or in any wise affect the rights or interests of any person or persons whatever, other than the heirs at law of the said Ann White, deceased, or those claiming under them or either of them.

Passed March 12, 1842.

JOINT RESOLUTIONS.

RESOLVED by the Council and General Assembly of this State,
That the Inspectors of the State Prison be authorized to ^{Inspectors of} purchase a Library, at a cost not to exceed one hundred ^{State Prison} dollars, to be placed under the care and direction of the ^{authorized to} keeper, for the use of the prisoners of said prison, to be ^{purchase a} paid by the treasurer of this state, out of any moneys not ^{library.} otherwise appropriated, on a draft drawn by said inspectors.

Passed January 14, 1842.

WHEREAS, agriculture is the great and paramount interest of this country, with which all the other great interests of the country are intimately connected; **AND WHEREAS**, Great Britain, France and other European nations, by enormous duties and other prohibitory restrictions, interdict the reception into their ports of many of our agricultural products, while their silks, wines, brandy, iron, cotton, woollen and other manufactures are admitted into this country at such low rates of duty as to induce excessive importations, and cause the export of large sums of coin, ^{Preamble.} on which the circulating medium of this country is based, which rates do not afford sufficient revenue for the support of the General Government, and to put the country in such a state of defence as the exigencies of the times and the aspect of our foreign relations seem to require; **AND WHEREAS**, it is our deliberate opinion, that so long as foreign nations refuse a fair and reciprocal exchange of products, our commercial relations with them must be unequal and injurious to us; and that the proper remedy for this evil, from which our country is now suf-

fering greatly, is the imposition of such duties on imports as will countervail the injurious restrictions on our exports, give sufficient revenue for the support of government and national defence, and sustain and protect those manufacturing establishments, which the former policy of our government has built up, and which afford to the agriculturalists of the grain and provision producing states, the best and chief market for their products:—
Therefore,

RESOLVED by the Council and General Assembly of this State,
That the Senators and Representatives of this State in Congress, be requested to use their utmost exertions to procure such a revision of the tariff laws, as shall impose sufficient duties to effect these objects; and especially to afford, by discriminating duties, adequate protection to the various branches of the manufactures of this State and of the United States; and that a copy hereof be transmitted to the Governor of each of the several States of the Union, with a request that he will cause the same to be laid before the Legislatures thereof; and also to each of the Senators and Representatives of this State in Congress.

Passed February 11, 1842.

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RESOLVED by the Council and General Assembly of this State,
That the Treasurer of this State be authorized and directed to receive from the New-Jersey Rail Road and Transportation Company, the sum of eight cents for every passenger, and the sum of twelve cents for every ton of goods, wares, or merchandise transported, or to be transported on the said Company's Rail Road, from the southern termination thereof in the city of New-Brunswick to Jersey City, or from Jersey City to the said southern termination, in full satisfaction of all claims for tax or transit duties of the State against said Company, under and by virtue of the act incorporating the same, until the expiration of five years from the first day of January, one thousand eight hundred and thirty-nine, when in addition to the said transit duties, he shall receive and collect yearly and every year, from the said Company, "a tax of one-quarter of one per cent upon their capital stock paid in;" and after the expiration of ten years, from the said first day of January, eighteen hundred and thirty-nine, "a tax of one-half of one per cent upon the true amount of the capital stock of said company."

Passed March 4, 1842.

Senators and Representatives requested to endeavor to procure a revision of the tariff laws

Amount of transit duties to be paid by N. Jersey R.R. & Trans. Co.

Additional tax after expiration of certain time.

WHEREAS, the attention of the Legislature has been called by his Excellency the Governor, to a difference of opinion existing between the Treasurer of this State, and *Preamble.* The Delaware and Raritan Canal, and the Camden and Amboy Rail Road and Transportation Companies, in regard to the construction of certain provisions in the charter of the said Companies:—Therefore,

BE IT RESOLVED by the Council and General Assembly of this State, That the Treasurer of this State be directed to require from the Delaware and Raritan Canal and Camden and Amboy Rail Road and Transportation Companies the payment of a transit duty of ten cents for every passenger, and fifteen cents for every ton of goods, wares and merchandise heretofore transported, and ten cents for every passenger, and fifteen cents for every ton of goods, wares and merchandise hereafter to be transported on any rail *Amount of transit duties to be paid by Companies.* road or rail roads, belonging to the said Companies, from Camden, Burlington, Bordentown, the Trenton Delaware Bridge, the City of Trenton, or any other point or place on the Delaware River, to South Amboy, the City of New-Brunswick, or any other point or place on the Raritan river or bay, and from South Amboy, the city of New-Brunswick or any other point or place on the Raritan river or bay to the city of Trenton, the Trenton Delaware bridge, Bordentown, Burlington, Camden, or any other point or place on the Delaware river, and that upon the payment thereof, the Treasurer be authorized and instructed to compute the yearly amount of all such transit duties so far as the same may be needed for that purpose as part of the sum of thirty thousand dollars mentioned in the third section of the supplement to the act relative to the said Companies, passed March second, one thousand eight hundred and thirty-two. *Provided,* that the said Companies shall furnish said Treasurer, at his request, with the quarterly returns of all passengers, goods, wares and merchandise, heretofore transported upon the several rail roads of said Companies from and to the various points or places above named in this resolution, and that hereafter similar returns shall be made quarterly by the said Companies to the Treasurer of this State as required by law. *Proviso.*

And be it Resolved, That the foregoing resolution shall be deemed and taken as the true construction of the several acts and supplemental acts now in force which relate to the transit duties payable to the State from the rail roads belonging to the said Companies, and that the said resolution

Resolution,
when to take
effect.

shall not go into effect, further than the same may be directory to the Treasurer of this State, until the said Delaware and Raritan Canal Company and the Camden and Amboy Rail Road and Transportation Company shall respectively certify their acceptance of the above stated resolution under the hands of the President and Secretary, and the corporate seals of the said Companies respectively, and file the same in the office of the Secretary of State as evidence of their assent to the terms and provisions of the said resolution: *Provided*, if the said United Companies shall hereafter signify their acceptance of a supplemental act entitled "An additional supplement to the act entitled an act relative to the Delaware and Raritan Canal and the Camden and Amboy Rail Road and Transportation Companies, passed March fifteenth, eighteen hundred and thirty seven, the Treasurer of this State shall receive and collect from the said Companies, the one half of any sum over three dollars, they may charge for each passenger, carried on any of the Rail Roads of the said Companies to and from the cities of New-York and Philadelphia, in addition to the transit duties before mentioned, agreeably to the first section of the last mentioned act.

Proviso.

Passed March 10, 1842.

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Preamble.

WHEREAS, it appears to the legislature, that the number of the Insane Poor in this state is very large, and is continually increasing; AND WHEREAS, the present method of supporting them at public charge, by confining them in alms houses or in county gaols, is inhuman and expensive, and has no tendency to alleviate their sufferings or promote their recovery; AND WHEREAS, the establishment of a State Lunatic Asylum, with suitable provisions for the comfort and medical treatment of these unfortunate persons is demanded by the wishes of a large portion of the people of New-Jersey, and by the dictates of humanity, and of enlightened public economy; AND WHEREAS, it is desirable previous to the establishment of such an institution, that a commission should be appointed to investigate certain preliminary matters which may affect the final action of the legislature:—Therefore,

BE IT RESOLVED by the Council and General Assembly of Governor to this State, That the governor of this state shall appoint ^{appoint three} three commissioners of investigation on the subject of a ^{commission-} State Lunatic Asylum, whose duty it shall be:

First. To select, upon due examination, a site for the ^{Duties of} erection of a State Lunatic Asylum, combining the advantages of a healthy location, easy of access from all parts of the state, and a sufficient quantity of land for farming ^{commis'srs.} purposes.

Second. To ascertain from the owner or owners of said site, the lowest amount for which the said owner or owners will agree to sell and convey the same to this state.

Third. To cause the plan and specifications of a Lunatic Asylum, of sufficient dimensions to accommodate two hundred lunatics and insane persons, to be prepared by a competent architect, or mechanic, whom the said commissioners are hereby authorized to employ, at the expense of the state.

Fourth. To receive proposals for building the said Lunatic Asylum, according to the plan and specifications so prepared as aforesaid; and to give public notice of the time when such proposals will be received; and,

Fifth. To make a full report to the next legislature, of all their proceedings as commissioners, by virtue of this Joint Resolution, and of all such facts and particulars as will, in their opinion, conduce to enlightened action upon the important subject entrusted to them.

And be it further Resolved, That the said commissioners ^{Compensa-} shall receive such reasonable compensation not to exceed ^{tion of com-} one hundred dollars each, as the next Legislature shall de- ^{missioners, &c} termine to be equitable and just; and the architect or mechanic employed to draft the plan and specifications as aforesaid, shall receive such compensation as the said commissioners, or a majority of them, shall determine to be reasonable and just, to be paid by the treasurer, on a warrant produced to him, signed by the governor of this state, or the person administering the government thereof.

Passed March 11, 1842.

Governor authorized to transmit copies of Law Reports and Journals of the Legislature to the Executive of each State.

BE IT RESOLVED by the Council and General Assembly of this State, That the Governor of this State be, and he is hereby authorized and requested to transmit to the executive of each state and territory within the United States, for the use of the executives and legislatures of the respective states and territories, three bound copies of the reports of adjudged cases in the courts of law and equity, which have been made and published under the authority of this state ; and also, to transmit as aforesaid, three bound copies of the journals of the two houses of the legislature ; and further, to transmit as aforesaid, annually hereafter, three bound copies of the said reports and of the said journals which may hereafter be published under the authority of this state.

Passed March 11, 1842.

Treasurer authorized to borrow money.

RESOLVED by the Council and General Assembly of this State That the Treasurer of this State, be, and he is hereby authorized to borrow from time to time for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not to exceed the sum of sixty-five thousand dollars, and at a rate of interest not to exceed six per centum per annum.

Passed March 11, 1842.

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ACTS
OF THE
SIXTY-SEVENTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY,

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-FIFTH DAY
OF OCTOBER, EIGHTEEN HUNDRED AND FORTY-TWO.

Being the First Sitting.



NEW BRUNSWICK:
PRINTED BY DAVID F. RANDOLPH.
1843.



A C T S
OF THE
SIXTY-SEVENTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY.

AN ACT to authorize the sale of certain real estate of John T. Halsey, deceased, late of Elizabethtown, in the county of Essex.

WHEREAS Margaret Halsey, widow of John T. Halsey, late of the township of Elizabeth, in the county of Essex, deceased, and nominated guardian of his children and heirs-at-law, Anna M., Mary P., James O., Julia S., Emelie F., Augustus O., William F., and Cornelia Halsey, hath, by her petition, set forth, that her said husband died seized of a farm and premises, situate in the said township of Elizabeth, containing about ninety-five acres of land, including eighteen acres of salt meadow, leaving his said children and heirs-at-law minors under the age of twenty-one years; that the said land and premises are situated in the immediate vicinity of Elizabethtown aforesaid, the buildings large and commodious, which constitute its principal value; and that if the said land and premises were sold at such price as can readily be obtained for the same, and the proceeds of such sale securely invested, the interest of such investment, together with that of the personal property left, at his decease, by her said husband, would afford a comfortable sup-

Preamble.

port for herself and family. And whereas the said Margaret Halsey further represents, that her said husband was, by the nature of his last illness, during the whole of the same, rendered incapable of making a last will and testament—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That James F. Meeker, and his executor or executors, be, and he is hereby constituted and appointed a trustee, with full powers to sell and dispose of, at public or private sale, as shall be most conducive to the interests of those concerned, all the homestead farm and premises whereof John T. Halsey, late of Elizabethtown, in the county of Essex, died seized, situate, lying, and being in the said township of Elizabethtown, containing seventy-seven acres, more or less, of upland, bounded by lands of James S. Taylor, Philip Ward, Stephen Magie, the heirs of Joseph Collet, and others, and eighteen acres of salt meadow, either in the whole or such parts as will cause most to be realized from the said land and premises, and to make and execute to the purchaser or purchasers thereof good and lawful deed or deeds of conveyance for the same; and such deed or deeds shall vest in the said purchaser or purchasers, his, her, or their heirs and assigns, for ever, all right, title, and interest which the said John T. Halsey had in the same at the time of his death.

Trustee authorized to sell certain real estate.

Trustee to make deed, vesting interest in purchaser.

Trustee to exhibit accounts to orphans court of Essex county.

Balance of proceeds of sales, how to be disposed of.

Sec. 2. *And be it enacted*, That the said trustee and his executor or executors shall keep a fair account of the sale or sales made by him under this act, and exhibit, under oath or affirmation, such account to the orphans court of the said county of Essex, within six months after such sale or sales shall be made, to be filed and recorded by the surrogate of the said county; and, after deducting all legal costs and expenses and commissions, to be allowed by the said court, to place the whole amount of the balance arising upon such sale or sales at interest upon good and sufficient real estate security; and shall appropriate two-thirds of the interest money arising thereon, annually; and such part of the two-thirds of the proceeds of such sale or sales as shall be required for the comfortable support and maintenance of the children and heirs-at-law of the said John T. Halsey, or any of them, after all their part, or the part of any of them, of the personal property left at his decease by their said father shall have been expended for their equal use and benefit, and pay the interest of the remaining third of the said proceeds to Margaret Halsey, widow of the said John T. Halsey, for and during her natural life; and shall pay over to each of the said children, as they shall seve-

rally arrive at the age of twenty-one years, the portion, or the balance of the portion, of each child that may remain of the two-thirds of the said proceeds, after such use and appropriation; and the said remaining third part, of which the said Margaret Halsey is to receive the yearly interest during her natural life: in case of her death, the said trustee shall pay to the person or persons entitled to the same by law, or to their lawful guardian or guardians; and the said trustee, or his executor or executors, shall, in all things, account for the same as guardians are now by law required to do of the moneys and estates of their respective wards.

Sec. 3. *And be it enacted*, That before the said trustee, or his executor or executors, shall make and execute the deed or deeds aforesaid, or enter upon any of the trusts reposed in him or them by this act, he or they shall enter into bonds to the governor of this state, with such security as shall be approved of by the orphans court of the said county of Essex, conditioned for the faithful performance of the several trusts reposed in him or them by virtue of this act; which bond shall be deposited in the office of the secretary of this state.

Trustee to enter into bond to the governor.

Sec. 4. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sales of the said real estate, or the balance thereof, but the same shall descend as the said real estate would have done, had this act not been passed.

Descent of the proceeds of the sales, &c., not to be affected by this act.

Passed November 4, 1842.

AN ACT to divorce John W. Walling, of the county of Monmouth, from his wife Rachel Walling.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between John W. Walling, of the county of Monmouth, and Rachel his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.

John W. and Rachel Walling divorced.

Sec. 2. *And be it enacted*, That the issue born of the said Rachel, during her coverture with the said John W. Walling, is hereby declared to be illegitimate.

Issue declared illegitimate.

Passed November 4, 1842.

AN ACT relative to the borough of Princeton.

Former acts
extended.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled, "An act for the incorporation of the town of Princeton," passed the twenty-seventh day of November, in the year of our Lord eighteen hundred and twenty-two, and extended and continued by the act of the thirty-first of October, in the year of our Lord eighteen hundred and thirty-two, be, and the same is hereby extended and declared to be continued until the twenty-seventh day of November, eighteen hundred and fifty-two, and until altered or repealed by the legislature of this state,

Common council
to make
statement of
expenditures.

Sec. 2, *And be it enacted*, That it shall be the duty of the common council of the said borough of Princeton, on the first Monday of March, in each and every year, to make and exhibit a full and correct statement of the receipts and expenditures of the said borough during the preceding year, and to cause a copy of said statement to be published, for three successive weeks prior to the annual town meeting, in a newspaper printed and published in said borough.

Passed November 4, 1842.

AN ACT to repeal certain acts therein named.

Preamble.

WHEREAS it is represented to the legislature, on behalf of the inhabitants of the townships of Fairfield and Greenwich, in the county of Cumberland, that the road and ferry established by virtue of an act entitled, "An act to lay out a road on the southerly side of Cohansie creek, in the county of Cumberland, and to establish a ferry across the said creek, from the town of Greenwich to the said road," passed the twenty-eighth day of June, seventeen hundred and sixty-six, are no longer necessary—therefore,

Certain acts re-
pealed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled, "An act to lay out a road on

the southerly side of Cohansie creek, in the county of Cumberland, and to establish a ferry across the said creek, from the town of Greenwich to the said road," passed the twenty-eighth day of June, seventeen hundred and sixty-six, and the supplement thereto, passed the thirteenth day of March, eighteen hundred and thirty-two, be, and the same are hereby repealed.

Sec. 2. *And be it enacted*, That this act shall go into operation immediately after the passage thereof. Act, when to take effect.

Passed November 8, 1842.

AN ACT to authorize the administrators of William Bishop; deceased, to convey certain real estate.

WHEREAS it is represented to the legislature, that Joseph Bishop, senior, late of the county of Hunterdon; deceased, departed this life in the year one thousand eight hundred and twelve, having duly made and published his last will and testament, which was afterwards duly proved and recorded in the surrogate's office of said county, by the executors thereof, by which, among other things, he bequeathed to his daughter, Ann Holcomb, the wife of Samuel Holcomb, a distributive share of his estate, and did order his executors, therein named, that before they should pay the said share of the said Ann Holcomb to her and her husband; they should take good and sufficient security of the said Samuel Holcomb, her said husband, for the repayment of the same to them, provided they should find it necessary to require it; and if they should find that the said Samuel was likely to squander and waste the said share, that they should recover the same into their own hands, and put it to interest for the use of the said Ann and her children, giving unto them, from time to time, such portion of the principal or interest as might be sufficient for their comfortable support; but no part of said share at any time to be subject to the debts and charges of the said Samuel Holcomb; and if the said Samuel Holcomb should die before the said Ann, the money then to be given to her and her children; but if she should die first, then the money to be reserved for the support of her Preamble.

children, and to be distributed among them in equal portions, as they should arrive at the age of twenty-one years; of which said testament and last will he appointed William Bishop, now deceased, David H. Bishop, and William F. Fritts the executors. And whereas it is also represented that the said share of the said Ann Holcomb was, by the other executors, placed in the hands of the said William Bishop, deceased, to be disposed of according to the direction of said will, and that the said William Bishop applied the same towards the purchase of a certain farm and parcel of land, situate in the township of Raritan, adjoining lands of Henry Rockafellow, Albert S. Coxe, Samuel H. Case, and others, containing about one hundred and fifty acres of land, being the same on which the said Ann Holcomb and her said husband now reside, and took the title therefor in his own name in fee-simple; and that the said William Bishop has lately and suddenly departed this life, holding the fee-simple title to the said farm, without having made and published any last will and testament; and whereas the administrators and heirs-at-law of the said William Bishop, deceased, have, by their petition, prayed legislative aid in the premises, and that the said real estate may be conveyed to a trustee, to hold in trust for the purposes specified in the said will, and the prayer of the petition appearing to be just and proper—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Higgins, Jesse Higgins, and James N. Reading, the administrators of the estate of the said William Bishop, deceased, and the survivors and survivor of them, be, and they are hereby authorized and empowered to make, execute, and deliver a good and sufficient conveyance in law of said farm and premises to Job Holcomb, one of the sons of the said Ann Holcomb, in trust for the said Ann Holcomb and her children, pursuant to the provisions of the will of the said Joseph Bishop, deceased; which said conveyance shall vest in the said Job Holcomb, as trustee as aforesaid, all the estate, right, title, and interest which the said William Bishop, deceased, had of, in, and to the said farm and premises, with the appurtenances, at the time of his death.

Passed November 10, 1842.

Administrators
authorized to
convey certain
real estate.

AN ACT for the support of the government of this state.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That there shall be paid to the officers appointed for the administration of the government of this state, the several sums following, viz : Payment of officers provided for.

To the governor of this state for the time being, at the rate of two thousand dollars by the year.

To the chief justice of the supreme court of this state for the time being, at the rate of fifteen hundred dollars by the year.

To each of the associate justices of the supreme court of this state for the time being, at the rate of fourteen hundred dollars by the year.

To the treasurer of this state for the time being, at the rate of one thousand dollars by the year.

To the law reporter and chancery reporter of this state for the time being, at the rate of two hundred dollars, each, by the year.

To the attorney general of this state for the time being, at the rate of eighty dollars by the year.

To the quartermaster general of this state for the time being, at the rate of one hundred dollars by the year.

To the adjutant general of this state for the time being, at the rate of one hundred dollars by the year.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or vice president of Council; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal, and the salary of his successor shall commence from the time he shall be sworn or affirmed into office. Salaries, how paid.

Sec. 2. And be it enacted, That there shall be paid to the vice president of Council and to the speaker of the House of Assembly, the sum of three dollars and fifty cents, each; and to every member of Council and Assembly, the sum of three dollars for each and every day they have attended, or shall attend, this or any future sitting of the legislature; and to every member of Council and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the nearest route, between his place of residence and the seat of government, in going or returning, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president or vice Members of Council and Assembly, how to be paid.

president of Council, for the members of Council, and by the speaker of the House of Assembly, or by Samuel M. Oliphant, Charles H. French, William Paterson, Reuben Willets, or any two of them, for the members of Assembly.

Secretary of Council, and clerk of Assembly, how to be paid.

Sec. 3. *And be it enacted*, That there shall be paid to the secretary of Council and to the clerk of Assembly the sum of three dollars and fifty cents, each, for every day they have attended, or may attend, this or any future sitting of this legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of Council and Assembly and the joint-meeting in the journal; and eight cents by the sheet, computing one hundred words to the sheet, for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice president of Council, for the secretary of Council, and by the speaker of the House of Assembly, for the clerk of Assembly.

Sergeant-at-arms and door-keeper, how to be paid.

Sec. 4. *And be it enacted*, That there shall be paid to the sergeant-at-arms, or to any person or persons acting in that capacity, who shall attend the Council and House of Assembly for the time being, and to the doorkeepers of the Council and House of Assembly for the time being, the sum of two dollars, each, by the day, for each day, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days they have respectively attended, signed by the president or vice president of Council and the speaker of the House of Assembly, respectively.

Engrossing clerk, how to be paid.

Sec. 5. *And be it enacted*, That there shall be paid to the engrossing clerk, who shall engross the bills of Council and Assembly this session of the legislature, at the rate of eight cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the president or vice president of Council and by the speaker of the House of Assembly, respectively.

Limitation of act.

Sec. 6. *And be it enacted*, That this act shall be and continue in force for one year from the twenty-fifth day of October, in the year of our Lord, one thousand eight hundred and forty-two, and no longer; and the same shall go into effect immediately after the passage thereof.

Passed November 10, 1842.

AN ACT to amend the charter of the Hudson County Mutual Insurance Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the sixth section of the act entitled, "An act to incorporate the Hudson County Mutual Insurance Company," passed February eleventh, eighteen hundred and forty-two, is hereby amended, so that the said company may loan such portion of their money in hand as may not be immediately wanted for the purposes of said corporation, upon good and valid security, by bond or promissory notes; *provided*, that nothing herein contained shall be construed to authorize said company to exercise banking privileges.

Company authorized to loan money.

Proviso.

Sec. 2. *And be it enacted*, That the twelfth section of the said act is hereby amended, so that the said company may effect insurance on property throughout this state; anything in the act hereby amended to the contrary notwithstanding.

Company may insure property.

Sec. 3. *And be it enacted*, That this act shall take effect immediately after its passage.

Act, when to take effect.

Passed November 10, 1842.

AN ACT to prescribe the time and manner of holding elections for representatives in Congress from this state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That this state shall be divided into five districts for the election of members of the House of Representatives, and that the counties of Cape May, Cumberland, Salem, Gloucester, and Atlantic shall compose one district, to be called "the First District;" the counties of Burlington, Monmouth, and Mercer shall compose one district, to be called "the Second District;" the counties of Hunterdon, Warren, and Sussex shall compose one district, to be called "the Third District;" the counties of Middlesex, Somerset, and Morris shall compose one district, to be called "the Fourth District;" and

State to be divided into five districts.

the counties of Essex, Hudson, Bergen, and Passaic shall compose one district, to be called "the Fifth District;" each of which districts shall elect one person to represent this state in the House of Representatives of the United States.

Representatives, how elected.

Sec. 2. *And be it enacted*, That at any and every election for a member of the House of Representatives, the persons in each of the said districts qualified to vote at such election shall vote for one person as such representative, and no more; and the person, in each of the said districts, having the highest number of votes shall be declared to be elected.

Elections, how conducted.

Sec. 3. *And be it enacted*, That every election held by virtue of this act, except as herein otherwise provided, shall be conducted, in all respects, in the same manner, and subject to the same rules and regulations, as are prescribed by the act entitled, "An act to regulate elections," passed the twelfth day of March, eighteen hundred and thirty-nine, and the supplement thereto.

Time of elections.

Sec. 4. *And be it enacted*, That on the second Tuesday of October, in the year of our Lord, one thousand eight hundred and forty-three, and on the Wednesday following, and thereafter at the several times prescribed by law for the election of members of the House of Representatives, an election shall be held in each of the said districts, to elect, for this state, one person in each of the said districts to be a member of the House of Representatives, who shall be a citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of the district in which he shall be elected, and who shall have been a citizen of the United States for seven years next preceding such election; *provided*, that if an election shall be held as provided for in the fifth section of this act, then no other election shall be held for the election of persons to represent this state in the House of Representatives in the twenty-eighth Congress, except a vacancy or vacancies shall occur in the representation.

Qualifications for representatives.

Proviso.

Governor may call special election in certain cases.

Sec. 5. *And be it enacted*, That if the twenty-eighth Congress shall be convened at any time prior to the second Tuesday of October, in the year of our Lord one thousand eight hundred and forty-three, it shall be the duty of the governor of this state forthwith to issue a writ of election, to elect, in each of the said districts, one member of the House of Representatives, in manner aforesaid; which writ of election shall be in the nature of a proclamation, and shall be signed by the governor, and shall specify the cause and purpose of such election, and the days on which such election shall be held, the first of which shall not be less than thirty, nor more than forty days from the date of such writ of election.

Sec. 6. *And be it enacted*, That the said writ of election shall forthwith, after the date thereof, be delivered to the secretary of state, and such proceedings shall be had thereupon, and the like notice of such election shall be given, as is prescribed by this act and the act entitled, "An act to regulate elections," in cases of elections to supply vacancies in the representation of this state in the House of Representatives.

Special election, how conducted.

Sec. 7. *And be it enacted*, That whenever any vacancy shall happen in the representation of this state in the House of Representatives, the secretary of state shall cause to be made as many copies of the writ of election to supply such vacancy as there are counties in the district in which such vacancy shall happen, and no more; shall certify each of the said copies to be true and correct, under his hand, and shall cause one of such copies to be delivered to the clerk of each county in the said district.

Vacancies, how supplied.

Sec. 8. *And be it enacted*, That this act shall go into effect immediately on the passage thereof, and that all acts and parts of acts coming within the purview of this act, and contrary thereto, be, and the same are hereby repealed.

Act, when to take effect.

Passed November 10, 1842.

RESOLUTION.

RESOLVED, by the Council and General Assembly of this State, That Josiah Harrison, of Camden, be employed to print sixteen hundred copies of the Law Reports; that Edward Sanderson, of Elizabethtown, be employed to print sixteen hundred copies of the Chancery Reports; and that David F. Randolph, of New Brunswick, be employed to print sixteen hundred copies of the Laws; that they print the same in as condensed a form as a proper execution of the work will admit, on large octavo pages, trimmed, and in other respects corresponding with those heretofore printed, and be paid therefor twenty-seven dollars per sheet, each. That Augustus S. Barber, of Woodbury, be employed to print the Votes and Proceedings of Assembly, and index to the same; and that Sam-

Printers of Reports and Laws.

Printers of Votes and Proceedings and Journal.

Act not to im-
pair the rights
of any person,
other than heirs
of R. Jacques.

under and by virtue of this act, shall impair or in anywise affect the rights or interests of any person or persons whatever, other than the heirs-at-law of the said Richard Jacques, deceased, and those claiming under them or either of them.

Passed February 1, 1843.

A further supplement to the act entitled, "An act for the punishment of crimes," passed the seventeenth of February, eighteen hundred and twenty-nine.

Penalty for
opening graves
and removing
bodies of de-
ceased persons.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if any person or persons shall remove the body or bodies, or remains, of any deceased person or persons, from his, her, or their grave or graves, tomb or tombs, or other place or places of sepulture, for the purpose of dissection or of any surgical or anatomical experiments, or for the purpose of selling the same, or from mere wantonness, or shall open the grave, tomb, or other place of sepulture of any deceased person or persons, or the grave, tomb, or other place of sepulture where the body or bodies, or remains, of any deceased person or persons have been deposited, for the purpose of removing therefrom such body or bodies, or remains, of any deceased person or persons, for either of the purposes aforesaid, or from mere wantonness, without the consent of the surviving husband or wife, or, if there be no surviving husband or wife of the next of kindred of such deceased person or persons, or shall in any way aid, assist, or procure the same to be done, every person so offending shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding two thousand dollars, or imprisonment at hard labour, not more than five years, or both, at the discretion of the court.

in to
it.

SEC. 2. And be it enacted, That this act shall go into effect immediately upon the passage thereof.

Passed February 3, 1843.

A supplement to an act entitled, "An act for the better regulation of fishing in Cohansëy creek," passed the twenty-eighth of January, eighteen hundred and twenty.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That, from and after the passing of this act, it shall not be lawful for any person or persons to float, or otherwise make use of any gilling-seine or drift-net in the mouth of Cohansëy creek, in the county of Cumberland, or in the river Delaware, within one mile of the mouth of said creek, that may tend to prevent, obstruct, or hinder the fish from going into said creek, or from going up or down the same, except upon the usual fishing grounds for draw-seines or scoop-nets, in the season for fishing, that are either now or may hereafter be established.

Gilling-seine or drift-net not to be used, &c.

Sec. 2. *And be it enacted,* That if any person or persons shall offend against the provisions of this act, they shall forfeit and pay the sum of thirty dollars, for each and every such offence, to be recovered and applied in the manner pointed out in the second section of the act to which this is a supplement.

Penalty for offending.

Sec. 3. *And be it enacted,* That this act shall take effect and go into operation immediately after the passage thereof.

Passed February 3, 1843.

AN ACT to perfect the partition of certain real estate whereof Philip Hendrickson died seized.

WHEREAS it is represented to the legislature that William Hendrickson, in his own right, and Israel Hendrickson, as trustee of Richard Hendrickson, were entitled, as tenants in common in fee-simple, each to one equal undivided moiety or half part of a certain farm or plantation, whereof Philip Hendrickson died seized, situate in the township of Lawrence, in the county of Mercer, and, being so seized thereof, did enter into an agreement, in writing, to make

Preamble.

partition of the said farm; in pursuance of which said agreement, a partition of the said farm was made into two equal shares or parts, and the metes and bounds of each share ascertained, but that no release was ever executed between the said parties, although the said lands have ever since been held in severalty, pursuant to said partition; and whereas the said William Hendrickson departed this life intestate, leaving Ann Hendrickson his widow, to whom letters of administration upon his estate have been granted, and three minor children his heirs-at-law; and whereas the said Israel Hendrickson, trustee as aforesaid, hath also departed this life, and his son, William Hendrickson, hath been duly appointed, in his stead, trustee of the said Richard Hendrickson; and whereas the said Richard Hendrickson hath, by his petition, prayed that the said partition may be ratified and confirmed, and the prayer of the said petition appearing to be just and proper—therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Ann Hendrickson, administratrix of William Hendrickson, deceased, be, and she is hereby authorized and empowered to make, execute, and deliver unto the said William Hendrickson, trustee of Richard Hendrickson, a good and sufficient release and quit-claim for all that part of the said farm or plantation whereof Philip Hendrickson died seized, which was assigned to Israel Hendrickson, trustee as aforesaid, under and by virtue of the agreement so as aforesaid entered into between the said Israel Hendrickson and William Hendrickson; which said deed of release, duly made and executed, shall be as good and effectual, to all intents and purposes, as if executed by the said William Hendrickson in his lifetime.

Administrator
authorized to
execute release
&c.

Sec. 2. And be it enacted, That the said William Hendrickson, trustee as aforesaid, be, and he is hereby authorized and empowered to make, execute, and deliver to the heirs-at-law of the said William Hendrickson, deceased, a good and sufficient release and quit-claim for all that part of the said farm or plantation which was assigned to the said William Hendrickson, deceased, under and by virtue of the aforesaid agreement; which said deed of release, duly executed, shall be as good and effectual, to all intents and purposes, as if executed by the owner of the said lands to the said William Hendrickson in his lifetime.

Trustee author-
ized to execute
release, &c.

Passed February 3, 1843.

A further supplement to the act entitled, "An act to incorporate the Paterson Fire Association."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the number of firemen in each company, now organized, or hereafter to be organized, by the fire wardens, may be increased to any number not exceeding fifty; which firemen, while belonging to any of the said companies, shall be subject to all the liabilities and regulations, and shall be entitled to all the privileges and exemptions, which are provided for in the act of incorporation, and the supplements thereto; and that so much of the eighth section of the said act as comes within the purview of this supplement be, and the same is hereby repealed.

Number of firemen may be increased.

Part of former act repealed.

Passed February 3, 1843.

AN ACT supplementary to the several acts relating to the partition of real estate.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all cases where commissioners, appointed by any court, or by the judge or judges of any court in this state, to make partition of real estate, shall have made, or shall hereafter make sale thereof, by order of such court, judge, or judges, and shall have paid, or shall hereafter pay the net proceeds of such sale or sales to the persons entitled by law to receive the same, it shall and may be lawful for the said commissioners to produce the receipts and discharges therefor to the surrogate of the county in which the said real estate, or the more valuable part thereof, is situate; and the said surrogate shall immediately record the same in the book of receipts and discharges in his office, provided the same be first proved or acknowledged in the manner that deeds of conveyance of land are required to be proved or acknowledged, which proof or acknowledgment shall be recorded with such receipts and dis-

Receipts and discharges to be recorded in surrogate's office.

charges; and the said surrogate shall endorse on such receipts and discharges the book and page on which the same are recorded, with the time of recording the same, and sign his name thereto; and the said record, or a certified copy thereof, under the hand and seal of office of the said surrogate, shall be received in evidence in any court of record in this state, if it shall be made to appear to the satisfaction of said court that the original receipt and discharge hath been lost, or that it is not in the power of the party offering the copy in evidence to produce the same; and the said surrogate shall be entitled to receive ten cents for recording every such receipt and discharge or proof and acknowledgment.

Surrogate's
fee.

Passed February 3, 1843.

AN ACT for the relief of John Carter, of the county of Atlantic.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to John Carter, of the aforesaid county, a soldier and guide in the service of his country in the Revolutionary war, or to his order, the sum of forty dollars per annum, to be paid to the said John Carter, in half-yearly payments, from the passing of this act, during the lifetime of the said John Carter, the first payment to be made on the passage of this act; and the receipt of the said John Carter, or his order, shall be a sufficient voucher to the treasurer, for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.

\$40 per annum
to be paid to J.
Carter.

Passed February 9, 1843.

AN ACT to divide the township of Bergen, in the county of Hudson.

WHEREAS the freeholders and inhabitants of the township of Bergen, in the county of Hudson, in public meeting assembled, have resolved that it is expedient, and will be productive of mutual benefit and convenience, to divide said township into two separate townships, and have prayed legislative aid in the premises—therefore,

Preamble:

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the township of Bergen, in the county of Hudson, be, and the same is hereby divided into two separate and independent townships: and all that part of the said township of Bergen which lies north of the centre of the railroad belonging to the New Jersey Railroad and Transportation Company, shall be, and is hereby set off into a separate township, to be called and known by the name of "the Township of North Bergen;" and all that part of the said township of Bergen which lies south of the centre of the railroad aforesaid shall be, and hereby is set off into a separate township, to be called and known by the name of "the Township of Bergen."

Boundaries of North Bergen.

Boundaries of Bergen.

Sec. 2. And be it enacted, That the inhabitants of the said township of North Bergen shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the Township of North Bergen, in the county of Hudson;" and that the inhabitants of the said township of Bergen shall be, and they hereby are constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the Township of Bergen, in the county of Hudson;" and shall respectively be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Hudson are or may be entitled or subject to by the existing laws of this state.

Township of North Bergen incorporated.

Sec. 3. And be it enacted, That the inhabitants of the said township of North Bergen, shall hold their first annual town meeting at the house of Michel Saunier, innkeeper in the said township of North Bergen; and that the inhabitants of the said township of Bergen shall hold their first annual town meeting at the house of Jacob M. Vreeland, in the said township of Bergen; and that each of said townships of North Bergen and of Bergen shall hold their first and all subsequent annual town meetings on the day appointed by law for hold-

Time and place of first annual town meetings.

ing the annual town meetings in the other townships in the county of Hudson.

Allotment of paupers to be maintained by each township.

Sec. 4. *And be it enacted,* That all paupers who may be chargeable to the township of Bergen at the time this act shall go into operation, shall be chargeable to, and supported by that one of the townships created by this act within the bounds of which they have acquired their settlements, respectively, or in which said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlement is in the township of Bergen, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said new townships hereby created, within the bounds of which they respectively resided at the time of acquiring their respective settlements, or within the bounds of which the respective settlements were acquired.

Township farm, &c., to be vested in the townships of Bergen and North Bergen.

Sec. 5. *And be it enacted,* That the poor-house farm, now vested in the overseers of the poor of the township of Bergen, with the buildings and improvements thereon, shall be vested in, and remain to the townships of Bergen and North Bergen, in their corporate capacity, as townships in common, in the same manner and form, in all respects, and to all intents and purposes, the same as they are now vested in the said overseers.

Moneys to be divided between the townships.

Sec. 6. *And be it enacted,* That all the moneys, on hand or due, belonging to the present township of Bergen, shall be divided between the said township of North Bergen and the township of Bergen, now created by this act, in proportion to the taxable property and ratables, as taxed by the assessor, within their respective limits at the last assessment; and that all the debts and liabilities of the present township of Bergen, shall be paid and satisfied by the townships created by this act, in like proportion.

Meeting of townships' committees for division of moneys.

Sec. 7. *And be it enacted,* That the township committees of the township of North Bergen and the township of Bergen shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of Rachel Riker, innkeeper at the Five Corners, in the township of North Bergen, and shall then and there proceed to allot and divide between the said townships all the money on hand or due, and all the debts and liabilities belonging to the present township of Bergen, in proportion to the taxable property and ratables, as valued or assessed within the respective limits of the said two townships at the last assessments; and may adjourn the said meeting from time to time, and to such time and place as a majority of them assembled may think proper: and if any of the said township committees shall neglect to meet as aforesaid, then those pre-

sent may proceed to make such allotment and division, and their decision, or the decision of a majority of them, shall be final and conclusive.

Sec. 8. *And be it enacted*, That the freeholders, inhabitants of each of the said townships of North Bergen and Bergen, respectively, shall, on the first Monday in May next, and on the first Monday in May in each and every year thereafter, by a plurality of votes of the said freeholders then met and assembled, elect and choose, out of the whole body of the said freeholders, four persons out of each of the townships created by this act, as trustees of the freeholders, inhabitants of the said townships respectively; which said eight persons, so elected, shall be styled and known by the name of "the Trustees of the Freeholders, inhabitants of the township of Bergen and of the township of North Bergen;" which said eight persons, so elected and chosen, shall be and continue in office for and during the term of one year, and until others are chosen or elected in their stead; and shall be invested with, and hold and enjoy all the rights, privileges, powers, and authorities whatsoever, which are now vested in, or of right belong to "the Trustees of the Freeholders, inhabitants of the township of Bergen."

Time and mode of election of trustees of the freeholders.

Sec. 9. *And be it enacted*, That the persons heretofore chosen or appointed, "Trustees of the Freeholders, inhabitants of the township of Bergen," and now acting as such trustees, shall be and remain trustees for the purposes for which they were chosen and appointed until other trustees are chosen in the manner prescribed by this act.

Former trustees to act until others are chosen.

Sec. 10. *And be it enacted*, That all deeds, mortgages, bonds, bills, notes of hand, securities, engagements, and contracts, of every nature and kind whatsoever, and all interest, property, and estates, real and personal, of every nature and kind, given, granted to, had, held, possessed, and enjoyed by "the Trustees of the Freeholders, inhabitants of the township of Bergen," shall be vested in and remain to "the Trustees of the Freeholders, inhabitants of the township of Bergen and of the township of North Bergen," in the same manner and form, in all respects and to all intents and purposes, the same as they are now vested in or held, possessed or enjoyed, by "the Trustees of the Freeholders, inhabitants of the township of Bergen;" and that all grants, conveyances, mortgages, bonds, notes, contracts, and engagements, of every nature and kind, given, made, done, and entered into by "the Trustees of the Freeholders, inhabitants of the township of Bergen;" and that all legal claims and demands, by any person or persons, body politic or corporate, of every nature and kind, against them, the said "the Trustees of the Freeholders, inhabitants of the

Deeds, mortgages, bonds, real estate, &c., to be vested in the townships of Bergen and North Bergen.

township of Bergen," shall be binding upon, and valid and effectual, against "the Trustees of the Freeholders, inhabitants of the township of Bergen and the township of North Bergen;" and that they, the said "the Trustees of the Freeholders, inhabitants of the township of Bergen," and the township of North Bergen," may, in their corporate capacity, sue and be sued, implead and be impleaded, for or on account of any cause or causes of action whatsoever, now accrued or hereafter to accrue, in favour of or against the said "the Trustees of the Freeholders, inhabitants of the township of Bergen," in like manner, and as fully to all intents and purposes, as the said "the Trustees of the Freeholders, inhabitants of the township of Bergen" might have sued or been sued, impleaded or been impleaded, in case this act had not been passed; and, to preclude all misconception, it is hereby further provided, that nothing in this act contained shall in any way prejudice, impair, or destroy any right, claim, or demand, of any kind whatsoever, which may now exist in the townships of Jersey City and Van Vorst, or either of them, against the present township of Bergen, or against "the Trustees of the Freeholders, inhabitants of the township of Bergen," for or on account of any estate, real or personal, by this act vested in the townships of Bergen and North Bergen, or in "the Trustees, inhabitants of the township of Bergen and of the township of North Bergen;" and the like remedies and rights of action are hereby reserved to, and vested in the said townships of Van Vorst and Jersey City, against the said townships of Bergen and North Bergen, and against "the Trustees of the Freeholders, inhabitants of the township of Bergen and of the township of North Bergen," as now exist against the present township of Bergen, or against "the Trustees of the Freeholders, inhabitants of the township of Bergen," for or on account of the said estate, real or personal.

Election of officers to be by ballot.

Sec. 11. *And be it enacted*, That the election of all the township officers, in each of the townships created by this act, shall be by ballot; and that the inhabitants of each of the said townships, qualified by law to vote at town meetings, shall, by ballot, determine the amount of money to be by them raised for such purposes as are or may be authorized by law.

Judge, inspector, and clerk, how chosen.

Sec. 12. *And be it enacted*, That at the first annual town meeting, to be held in each of the townships of North Bergen and Bergen, on the day appointed by law for that purpose in the other townships in the county of Hudson, the judge, inspectors, and clerk shall be chosen viva voce; and at all subsequent elections, in each of said townships, for the election of township officers, the judge, inspectors, and clerk elected at the next preceding township election shall be the officers; and if

absent, others shall be chosen in their stead, in the same manner as vacancies are supplied by law at the annual election.

Sec. 13. *And be it enacted*, That the judges, inspectors, and clerks, for holding any annual or special township election, shall severally be entitled to the sum of one dollar and fifty cents per day for their services, to be paid by the township committee of each of the townships created by this act. Compensation of officers.

Sec. 14. *And be it enacted*, That the poll shall open at ten o'clock in the forenoon, and close at four o'clock in the afternoon, at the place appointed for holding the annual town meetings in each of the said townships; and all persons who by law are or may be qualified to vote at town meetings, shall be entitled to vote at such election; and after the poll shall be closed, the ballots shall be forthwith canvassed, and a return thereof made by the officers conducting such election, to the clerk of each of the townships for the current year, to be by them recorded and filed; and that the officers conducting any township election shall not be disqualified from being elected to, or holding any township office. Mode of conducting election.

Sec. 15. *And be it enacted*, That this act shall take effect on the second Monday of April next, and not before. Act, when to take effect.

Passed February 10, 1843.

A supplement to the act entitled, "An act to create the county of Hudson."

WHEREAS, in and by the twelfth section of the act entitled, "An act to create the county of Hudson," passed February twenty-second, eighteen hundred and forty, it is, among other things, enacted, "that the militia of the said county of Hudson shall form a separate brigade, to be called the Hudson brigade, and shall be attached to the first division of the militia of this state," and "the militia of the county of Bergen shall form a separate brigade, to be called the Bergen brigade, and shall be attached to the first division of the militia of this state;"—and whereas it appears that the said first division of the militia of this state is composed of brigades which are not contiguous to the said Hudson and Preamble.

Bergen brigades, but in a remote and distant part of the state, and that the second division is composed of brigades in the adjoining counties, and that the ancient county of Bergen was originally and properly attached to the said second division;—and whereas, also, it appears that no provision was made in the act to which this is a supplement, for the officers of the Hudson brigade to take and subscribe the oath or affirmation required by the act entitled, “An act establishing a militia system,” by reason whereof the officers of said brigade cannot be duly qualified and enter upon the execution of their respective offices, and that the militia service is much neglected in said county of Hudson, in consequence thereof—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the twelfth section of the act entitled, “An act to create the county of Hudson,” as enacts that the Hudson brigade and the Bergen brigade shall be attached to the first division of the militia of this state, be, and the same is hereby repealed; and that the said Hudson brigade and the Bergen brigade shall be attached to the second division of the militia of this state.

Part of former
act repealed.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the general, or any field officer of said brigade, who is now or may be hereafter appointed, to take and subscribe the oath or affirmation required by the act entitled, “An act establishing a militia system,” before the major general of the division to which said brigade is hereby attached; and such general or field officer, being thus qualified, shall have full power and authority to administer the oath of office to the other officers in said brigade; and all such officers shall thereupon be fully entitled to enter upon the execution of the respective offices to which they shall be appointed and commissioned.

Major general
authorized to
administer oath
of office.

Passed February 10, 1843.

AN ACT relative to bridges in the county of Cumberland.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person or persons to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or ride, lead, or drive any horse or horses, mule or mules, or any description of cattle, over or upon any truss, lattice, or draw bridge, (or any bridge the arch of which is constructed of wood,) at a faster gait than a walk, such bridge or bridges being in the county of Cumberland; and every person or persons so offending shall forfeit and pay the sum of five dollars, for each and every offence so committed, to be sued for and recovered by action of debt, with cost of suit, in any court of competent jurisdiction, by any member of the board of chosen freeholders of said county, in the corporate name of said board, for the use of said county; *provided always*, that this act shall not apply to any physician, or person going for any physician, or to any person riding express by order of any public officer of this state or of the United States, or to any person pursuing a fugitive fleeing from justice; *provided further*, that the board of chosen freeholders of said county shall cause to be fixed up, at each end of such bridge or bridges in said county, in some conspicuous place, in plain letters, "Five dollars fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice the fine aforesaid shall not be incurred.

Penalty for driving over bridge at a faster gait than a walk.

How to be recovered.

Proviso.

Sec. 2. *And be it enacted*, That if any person or persons shall wilfully deface such letters, or any of them, he, she, or they so offending shall forfeit and pay five dollars, to be recovered in the manner directed by the first section of this act, for the use of said county.

Penalty for defacing letters.

Passed February 13, 1843.

A supplement to the act entitled, "An act to incorporate the Jefferson Beneficial Society, of the county of Salem, New Jersey," passed the eleventh day of March, eighteen hundred and forty-two.

Preamble.

WHEREAS the society incorporated by the act to which this is a supplement, have represented to this legislature, that before their said incorporation they were known by the name of "the Jefferson Total Abstinence Beneficial Society," and in that name had issued all their certificates of membership and transacted all their business, and that a change of name would cause the society much trouble and expense, and that it is therefore desirable that the name at first adopted by them should be also their corporate title—therefore,

Style of incorporation altered.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the name and title of the said body politic, incorporated by the act to which this is a supplement, be, and the same is hereby altered to "the Jefferson Total Abstinence Beneficial Society;" by which name they shall be known in law, and shall have all the rights, powers, and privileges, and be subject to all the obligations and duties, which the said corporation would have possessed or been subject to, in case this act had not been passed.

Suits now pending to be continued under new title.

SEC. 2. *And be it enacted,* That all suits and proceedings in law or equity, now pending, in which said corporation is a party, shall, by order of the court in which the same are instituted, be continued by or against said corporation, under the new title hereby given them, upon the change of the name of said corporation being suggested upon the records in such suit or proceeding.

Passed February 13, 1843.

AN ACT to authorize the enclosure of a certain tract of salt meadow in the township of Lodi, in the county of Bergen.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of salt meadow, situate, lying, and being in the township of Lodi, in the county of Bergen, and comprised, as near as may be, within the following limits, to wit: beginning at a dam across Moonochy creek, which empties itself into the Hackensack river; thence up said creek, the various courses thereof, a northerly direction, to a ditch running between the meadows of Samuel C. Demarest, Jacob Outwater, and others; thence along said ditch, as the same runs, first a north-easterly, and then an easterly direction, until it comes to meadows of Albert Brinkerhoff; thence, across his meadows, to Lozen creek; thence along said creek, the various courses thereof, to the Hackensack river; thence, along said river, to the mouth of Moonochy creek aforesaid; thence up said creek, the various courses thereof, to the place of beginning, to fence the same in common, with such fences as are deemed and declared lawful, by an act entitled, "An act regulating fences," passed the twenty-third of January, seventeen hundred and ninety-nine, and to erect and maintain such gates, and build and keep in repair such bridges across ditches and creeks bounding the same, as the managers thereof, hereinafter mentioned, may deem proper; and that, from and after enclosing the same as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle, or sheep, with intent to let them run at large in said tract; *provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning horses, cattle, or sheep on such part of the said tract as may belong to him, her, or them, and as shall be kept enclosed, by a sufficient and lawful fence, separate from the remainder of said tract.

Boundaries of lands authorized to be enclosed.

proviso.

SEC. 2. *And be it enacted*, That if any person or persons whatsoever shall drive or let in any horses, cattle, or sheep into the said tract, after the same shall have been enclosed as aforesaid, (except as is provided for in the first section of this act) or shall wilfully break down, destroy, or injure any part of the fence enclosing the same, or any of the gates or bridges aforesaid, such person or persons shall be liable to a penalty of ten dollars for each offence: and if any person or persons shall leave open any bars or gates in the fence enclosing said tract, either negligently or wilfully, such person or persons

Penalty for driving in cattle.

shall be liable to a penalty of two dollars for each offence; any of which penalties may be recovered, by and in the name of any owner or owners of any part of the said tract, in any court of competent jurisdiction in this state, in an action of debt, besides costs of suit; and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences, gates, and bridges which are authorized by this act to be made.

Cattle trespass-
ing to be im-
pounded, &c.

Sec. 3. *And be it enacted*, That if any horses, cattle, or sheep shall be found running at large on any part of the tract enclosed as aforesaid, (except as is provided for in the first section of this act) it shall and may be lawful for any owner or possessor of any part of the said tract, to take and drive the same to any public pound in the township of Lodi, and if there be no public pound in said township, then to any public pound in the township of New Barbadoes; and shall, as soon as may be, make an affidavit, to be taken before any justice of the peace in said county of Bergen, stating that the same were taken running at large in the said tract; and such affidavit shall state a description of the horses, cattle, or sheep so taken, which affidavit shall be delivered to the pound-keeper where the horses, cattle, or sheep are impounded; and the person impounding the said horses, cattle, or sheep shall be entitled to receive for every head so taken and impounded the sum of thirty-seven cents, if not exceeding four, if more, then for every head so taken and impounded, the sum of twenty-five cents, to be collected, by the pound-keeper, of the owner, or from the sale of the said horses, cattle, or sheep, and the same shall be the measure of damages to be paid on such occasion; and the pound-keeper is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in the case of distress for damage feasant, by the twelfth section of the act entitled, "An act regulating fences," passed the twenty-third day of January, seventeen hundred and ninety-nine; and he shall be entitled to the same fees, and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act.

Time and mode
of electing man-
agers and com-
missioners of
appeal.

Sec. 4. *And be it enacted*, That it shall and may be lawful, immediately after the passing of this act, for any owner or possessor of any part of the said tract to call a meeting of the owners and possessors thereof, by putting up advertisements, in three public places, specifying the time of meeting, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes, at least ten days previous to the time of meeting; on which notice being given, the owners and possessors of the said tract shall convene at the house of David D. Demarest, innkeeper in the village of Hackensack:

which owners and possessors, or such as shall assemble in pursuance of the said notice, shall, when met, proceed to elect, by a plurality of votes, five persons, being owners of some part of the said tract, who shall be managers thereof, and who shall make, repair, and maintain the fences necessary to enclose the said tract, gates, and bridges aforesaid, make assessments, and superintend the expenditure of all moneys to be received and paid for the purposes aforesaid; and shall also, at the same time, proceed to elect, by plurality of votes, three judicious freeholders of the township of Lodi, not interested in the said tract, as commissioners of appeal; which said managers and commissioners of appeal shall continue in office for one year from the first Saturday in April next, and until others shall be chosen; and all elections for managers and commissioners of appeal shall be held on the first Saturday in April, in each year after the present, between the hours of one and three o'clock in the afternoon, at such place as shall be designated by the managers for the time being, or a majority of them, of which place of meeting, so designated, ten days' notice shall be given, previous to the time of meeting, by advertisements, signed by the said managers, or a majority of them, and put up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and all such elections shall be conducted in the same manner as that mentioned in the first part of this section.

Sec. 5. *And be it enacted*, That the persons so elected as aforesaid, to make, repair, and maintain the fences, gates, and bridges, make assessments and superintend the expenditure of money, or a majority of them, shall, by virtue of this act, be authorized to ascertain the number of acres of meadow usually mowed, or fit to be mowed, as accurately as they can, which each individual owns or possesses therein, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners and possessors met at their first or any subsequent meeting; and shall fairly enter in a book, to be provided by them for that purpose, the names of all who may own or possess any meadow lying within said tract, together with the number of acres owned or possessed by each, and usually mowed, or fit to be mowed, and the amount of money assessed to each; also the names of the persons from time to time elected to superintend the expenditure of moneys assessed for making and repairing the fences, gates, and bridges aforesaid, the names of the persons from time to time elected commissioners of appeal, and the proceedings relative to enclosing of the said tract; which book shall be kept by the persons elected to superintend the expenditure of money as aforesaid.

Managers to enter in a book the names of owners and amount of assessment.

Sec. 6. *And be it enacted*, That as soon as the managers

Expence of enclosing said tract, how defrayed.

aforesaid, or a majority of them, shall have ascertained the number of acres of meadow usually mowed, or fit to be mowed, which each individual may own or possess in said tract, they, or a majority of them, shall proceed to make an estimate of the probable amount of money which may be required to defray the expenses of enclosing the said tract, in the manner hereinbefore mentioned; and shall assess and collect the same from the several owners and possessors of the said tract, ratably, in proportion to the number of acres of meadow, as aforesaid, which each may own or possess therein, that is to say: the amount to be assessed against, and paid by each owner or possessor of any part of the said tract, shall bear the same proportion to the whole number of acres of meadow, as aforesaid, which each owner or possessor may have therein, that the whole amount proposed to be raised bears to the whole number of acres of meadow, as aforesaid, contained in said tract; and if the amount so assessed and collected shall be found to be insufficient to defray the expenses of enclosing the said tract, and to keep the fences, gates, and bridges, as aforesaid, in repair, the said managers, or a majority of them, are hereby authorized and empowered to make such further assessments, upon the principle hereinbefore mentioned, as they, or a majority of them, shall from time to time think necessary for that purpose.

Managers to advertise amount of assessment.

Sec. 7. *And be it enacted*, That as soon as the said managers, or a majority of them, shall have ascertained the number of acres, as aforesaid, that each individual may own or possess in the said tract, and the amount assessed against each, it shall be their duty to advertise the same, by setting up statements containing the names of all who may own or possess any meadow within the said tract, the number of acres, as aforesaid, owned or possessed by each, and the sum which each has been assessed to pay, for the space of twenty days, in five public places, two whereof shall be in the township of Lodi, and three in the township of New Barbadoes, to which said statements they shall subjoin a written notice, specifying the time (which shall be on some day after the expiration of the said twenty days, and fixed upon by the said managers, or a majority of them,) and place when and where the commissioners of appeal will meet for the purpose of discharging their duties under this act; and shall also furnish each of the said commissioners of appeal with a copy of the said statement and notice, at least five days before the time appointed for their meeting as aforesaid.

Sec. 8. *And be it enacted*, That it shall be the duty of the said managers to attend, before the said commissioners of appeal, at the time and place mentioned in said notice, with the

book hereinbefore directed to be provided by them; and it shall be lawful for the owners and possessors of the said tract, or such of them as shall think themselves aggrieved by the said assessment, to attend, at the same time and place, before the said commissioners of appeal, and to state their objections, either as to the number of acres for which such owner or possessor thinking himself aggrieved has been assessed, the amount assessed against him, or as to the number of acres for which any other owner or possessor has been assessed, or the sum assessed against such owner or possessor; and the said commissioners, after hearing the objections and allegations of the person or persons thinking himself or themselves aggrieved of the managers, and of all other parties interested in said tract who may appear before them, if any shall be offered, and inquiring into such facts as they shall deem necessary to enable them to form a correct judgment, and duly considering the same, shall ascertain the number of acres each owner or possessor may have in said tract, and adjust and fix the amount to be paid by each, according to the principle mentioned in section sixth of this act, and shall make a written statement thereof; which said adjustment, both as to the number of acres which each owner or possessor may have in the said tract, and the amount to be paid by each, shall be final and conclusive; and their statement shall be entered in the said book, and certified in writing in the said book, under the hands of the said commissioners, to be a true statement of the number of acres which each owner or possessor may have in said tract, and of the sum to be paid by each, respectively, as finally fixed and adjusted by them at the time aforesaid.

Disputes, how determined.

Sec. 9. *And be it enacted*, That if, at the meeting of the said commissioners as aforesaid, no objection shall be taken to the assessment as first made by the managers aforesaid, the same shall be allowed by the commissioners without alteration, and shall be entered in the said book as final and conclusive, and be certified in the manner aforesaid.

Assessment to be final and conclusive, if no objection be made.

Sec. 10. *And be it enacted*, That as soon as any assessment is finally adjusted and fixed, entered and certified, as aforesaid, it shall be the duty of the said managers to demand from each individual his or her proportion, as finally fixed and adjusted as aforesaid, either personally or by leaving a statement of the sum he or she is to pay with some white person resident at his or her dwellinghouse or place of abode; and on failure of payment thereof, for thirty days after such demand, they shall make out a list of the names of such delinquents residing in the county of Bergen as shall have refused or neglected to pay their respective proportions, together with the amount due from each, respectively, thereto annexed, and shall deliver the same

Proceedings in case of neglect or refusal to pay assessment.

to some justice of the peace of said county, who, on due proof being made to him that the amount due from each delinquent, respectively, had been demanded as is herein mentioned, more than thirty days previous thereto, (which said proof may be made by the person making the demand, who shall be a competent witness for that purpose,) and also, on due proof being made to him that the amount demanded of such delinquent was fixed and adjusted by the commissioners of appeal aforesaid, in the manner aforesaid, (which may be proved by the oath of one of the said managers) to make out and deliver to any constable of the said county a warrant or warrants, commanding him to levy the amount due from each delinquent respectively mentioned therein, with costs, by distress and sale of the goods and chattels of the delinquent, giving at least four days' notice of the time and place of such sale, by advertisements set up in three of the most public places in the township in which such delinquent resides, and it shall be the duty of such constable to pay the amount raised under any warrant issued as aforesaid, to the justice issuing the same, within twenty days after the date thereof, and such justice shall forthwith pay the same to the managers aforesaid; and if any delinquent, as aforesaid, shall reside in any other county, then it shall be the duty of the said managers to deliver the name of such delinquent, with the amount due from him or her, to any justice of the peace residing in such county, who, together with any constable of such county, shall proceed in all things in the manner aforesaid, in collecting and paying over the amount due from such delinquent; and the justice who shall issue any such warrant shall be allowed the sum of twelve cents for every delinquent's name contained therein, and the constable to whom the same may be delivered, thirty-seven cents for every distress and sale as aforesaid.

Penalty in case of neglect or refusal of constable to pay moneys, &c.

Sec. 11. *And be it enacted*, That if any constable, to whom any such warrant shall be delivered, shall neglect or refuse to execute the same, as hereinbefore directed, or shall neglect or refuse to pay the amount collected under such warrant to the justice issuing the same, he shall forfeit and pay for every such neglect or refusal ten dollars, to be recovered, with costs, by action of debt, by and in the name of any one of the managers aforesaid, in any court of competent jurisdiction, besides being liable for the amount so collected as aforesaid, and which he shall refuse or neglect to pay over to the said justice; which said amount may be recovered by and in the name of any one of the managers aforesaid, besides costs, in an action of debt, in any court of competent jurisdiction.

Sec. 12. *And be it enacted*, That in case of the death, removal, inability, or refusal to serve of any of the said persons

who shall have been elected managers, or of any or either of the persons who shall have been elected commissioners of appeal, before the next annual election, or before others shall have been chosen, then it shall and may be lawful for any three of the owners or possessors of the said tract to call a meeting of the owners and possessors of the same, at such time and place (within the townships of Lodi or New Barbadoes) as they shall appoint, giving at least ten days' previous notice of the time and place of such meeting in writing under their hands, and fixed up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and the owners and possessors, or such as shall assemble in pursuance of the said notice, shall proceed to elect, by plurality of votes, a fit person or persons, qualified as is required by this act, to fill such vacancy or vacancies until such annual election and until others shall be chosen, whose names shall be entered in the book aforesaid.

Vacancies, how supplied.

Sec. 13. And be it enacted, That the aforesaid commissioners of appeal, when convened for the discharge of their duties under this act, and before they proceed in the execution of the same, shall be sworn, before some justice of the peace of the county of Bergen, well and faithfully to execute the duties of commissioners of appeal under this act, according to the best of their knowledge and understanding, without favour or partiality.

Commissioners of appeal to take oath.

Sec. 14. And be it enacted, That the commissioners of appeal, elected by virtue of this act, and the persons elected as managers, shall be entitled to receive at the rate of one dollar per day, for every day necessarily spent in executing the duties of their offices under this act; the moneys necessary for defraying the same, to be included in and raised by the assessment to be made in manner aforesaid.

Compensation of managers and commissioners of appeal.

Sec. 15. And be it enacted, That the persons elected as managers of said tract, shall account to the owners and possessors of the same, at the time of holding their election for officers, for all moneys which have come to their hands as aforesaid, and shall pay over the balance remaining in their hands, if any, to their successors, and shall deliver to them the book or books directed to be kept as aforesaid, and all vouchers and other papers relating to the execution of their duties under this act, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by and in the name of any of their successors, with costs of suit, in any court of competent jurisdiction, and to be applied by them, when recovered, to the purposes contemplated by this act.

Managers to make annual statements of moneys on hand.

Penalty.

Act may be altered, modified, or repealed.

Sec. 16. *And be it enacted*, That the legislature of this state shall have power at any time to alter, modify, or repeal this act.

Passed February 14, 1843.

AN ACT to incorporate the Rockaway Manufacturing Company.

Names of corporators.

Style of incorporation.

Powers and privileges.

Amount of capital stock.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Joseph Jackson, Stephen J. Jackson, and John Mott, with all others who are or shall hereafter become associated with them, their successors and assigns, be, and they are hereby incorporated, by the name of "the Rockaway Manufacturing Company," for the purpose of manufacturing iron, in all its various branches, at Rockaway, in the county of Morris, in this state, and carrying on the business incident to such manufactory; and by that name they and their successors and assigns shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity; and that they and their successors may have and use a common seal, and may alter the same at their pleasure; and that they and their successors, by the same name and style, shall be, and hereby are authorized and empowered to purchase, hold, possess, use, and enjoy, to them and their successors, all or any such lands, not exceeding in value one hundred thousand dollars, tenements, waters, goods, chattels, and effects, of whatever kind they may be, as shall be necessary for the purposes of said corporation.

Sec. 2. *And be it enacted*, That the capital stock of said corporation shall be one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall, nevertheless, be lawful for the said corporation, when and so soon as twenty thousand dollars of said capital stock shall have been subscribed for and paid, or secured

to be paid to said company, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are hereby authorized to do, from time to time, to the amount hereinbefore mentioned.

Sec. 3. And be it enacted, That the stock, property, and affairs of the said corporation shall be managed by five directors, one of whom they shall appoint their president, who shall hold their offices until the annual meeting of the stockholders, to be held next after their election and until others shall be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in said company, in their own right, to the amount, at least, of ten shares, and shall be citizens of the United States, and shall, after the first election, be elected at the annual meeting of the stockholders, which shall be held on the third Monday in May, in each year, at such hours of the day and at such place at the regulations of said corporation shall prescribe; a majority of directors shall, on all occasions when assembled at such place as the by-laws of the company direct, constitute a board competent to the transaction of business, and all questions before them shall be decided by a majority of voices; and a majority of the stockholders, or their proxies, present at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the owner thereof, or his proxy, to one vote; but no shares shall entitle the holder to vote unless the same shall have been held by him at least three months next immediately preceding such election; and that Joseph Jackson, Samuel B. Halsey, John Mott, and Freeman Wood shall be commissioners, and hereby are authorized, at such time and place as they may choose, to open books and receive subscriptions for the capital stock of said company; and when the sum of twenty thousand dollars shall have been subscribed, then they shall call the first meeting of the said company, for the choice of directors; and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners; *provided*, that the said corporation shall organize and proceed to the business hereby authorized to be carried on within five years from the passage of this act, or that the privileges granted shall cease, and this act be void.

Affairs of corporation to be managed by five directors.

Time and mode of annual election of directors.

Commissioners to open books and receive subscriptions.

To be judges of election.

Sec. 4. And be it enacted, That the said president and directors for the time being, or a majority of them, shall have

Vacancies, how supplied.

Duties of president and directors.

power to fill any vacancy which may happen in their board, by death, resignation, or otherwise, for the then current year, and to appoint and employ, from time to time, a secretary, treasurer, and such other officers, mechanics, and labourers as they may think proper for the transaction of the business and concerns of the said company, and also to make and establish such by-laws, rules, and regulations as they shall think expedient for the better management of the concerns of the said company, and the same to alter and repeal; *provided always*, that such by-laws, rules, and regulations be not inconsistent with the laws of this state or the United States; and the said directors shall and may, whenever they shall deem it expedient, and at such time and place, and with such notice, as they shall think proper, and as often as the interests of the stockholders shall require and the affairs of the said company will permit, declare a dividend or dividends of profit on each share, which shall be paid by the treasurer of said company; *provided* the said company shall make no dividend of any part of the capital stock of said company.

Corporation not to be dissolved by failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That if it shall so happen that an election of directors should not take place on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, but such election may be held on any convenient day within forty days thereafter, to be fixed on by the directors, they previously giving public notice thereof, by publishing the time and place of holding such election in one or more of the newspapers printed and published in the said county of Morris, or in the next adjoining counties, and one newspaper in the city of New York, for at least fifteen days next preceding the time appointed for such election.

Stock to be deemed personal property.

Sec. 6. *And be it enacted*, That the capital stock of said company shall be deemed personal property; and that all shares shall be transferable on the books of said company, in such form as the by-laws shall ordain; and such transfer shall be valid only after it shall have been registered on the books of said company; and that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Books of accounts to be open to the inspection of stockholders.

Sec. 7. *And be it enacted*, That the books of said company, containing their accounts, shall at all times be kept at their manufactory at Rockaway, and be open for the inspection of any of the stockholders of said company; and at the general meeting of the stockholders, to be held annually, agreeably to the third section of this act, a general statement of the affairs

of said company shall be made out and exhibited by the president and directors.

Sec. 8. *And be it enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places as they may think proper, giving such notice thereof as the by-laws and regulations of said company shall prescribe; and in case any stockholders shall neglect or refuse payment of such instalment or instalments, for the term of sixty days after the same shall have become due and payable, and after he, she, or they shall have been notified thereof, such stockholder or stockholders so neglecting or refusing to pay, shall, as the directors may elect, either forfeit to said company all his, her, or their previous instalments, together with all his, her, or their rights and interests, whatsoever, in said stock, or be compelled to pay up such further instalments by suit at law or otherwise.

Stock forfeited for refusal or neglect to pay instalments.

Sec. 9. *And be it enacted*, That the corporation hereby created shall not use any part of their capital or property in carrying on any banking operations, or for any other purpose than that of carrying on the manufacturing operations authorized by this act.

Capital not to be employed in banking operations.

Sec. 10. *And be it enacted*, That this act shall continue in force for the space of twenty years, and no longer, and that the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Limitation of act, &c.

Passed February 14, 1843.

AN ACT for the better regulation of the Amicable Meadow Company, in the county of Salem.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the owners and possessors of the marsh and meadow lying between the fast land of John Somers, on Oldmans creek, in the township of Upper Penns Neck, in the county of Salem, and the line of the Association Meadow Company shall hereafter be known by the name of "the Amicable Meadow Company."

Style of incorporation.

Time and mode
of annual elec-
tion of officers.

Sec. 2. *And be it enacted*, That it shall be lawful for the owners and possessors of the said marsh and meadow, to meet on the first Thursday in April next, at the inn now kept by Samuel Bond, in Pedricktown, and between the hours of two and seven o'clock, in the afternoon, and, by a plurality of the votes of the said owners and possessors present, choose two of the persons interested in said company, to be the managers thereof, one to be the clerk, and three disinterested persons to be commissioners, all of whom are to continue in office for one year, and until others are chosen in their stead; that the annual meeting of the company for the election of said officers shall be at the same time, in each successive year thereafter, and at such place as the company at the previous annual meeting shall designate; and the election shall be conducted in all respects as is hereinbefore provided; and in case any of the said officers should die, or neglect or refuse to act, then it shall be lawful for the managers, or any three members of the company, to call a special meeting for the purpose of supplying such vacancy, giving eight days' notice thereof, by setting up advertisements in three of the most public places in the neighbourhood of said meadow, stating the time, place, and object of said meeting; and at such special meeting, the members present shall proceed to elect some person to supply such vacancy, in the manner hereinbefore prescribed.

Vacancies, how
supplied.

Proceedings
in case of un-
paid assess-
ments.

Sec. 3. *And be it enacted*, That it shall be the duty of the managers, or either of them, to collect all assessments made as hereinafter mentioned; and in case any of the owners or possessors shall neglect or refuse to pay his or her quota of any such assessments, for the space of ten days after notice given in writing, by one of the managers, either personally or by leaving the same at his or her usual place of abode, then it shall be lawful for either of the managers to sell, at public vendue, so much of any hay, grass, or grain, being the property of such delinquent, and on his meadow, as will be sufficient to pay said quota, and all costs accruing thereon, giving five days' notice of such sale, by advertisements set up in five of the most public places in the neighbourhood of said meadow; and in case the said managers should not be able to make the amount of said quota and costs out of the said hay, grass, or grain, then it shall be lawful for either of them to make sale of the meadow of said delinquent, for such term of years as will be sufficient to satisfy the demand against him, and the cost, and to execute a lease therefor to the purchaser, which shall vest in him the same right as if executed by the owner or possessor himself; which sale shall be conducted in all respects in the manner hereinbefore pointed out in this section, except that the manager shall give thirty days' notice of

the sale; and if upon any such sales a surplus should remain, the manager shall pay the same over to the owner or possessor, as the case may be; and it shall also be the duty of said managers, or either of them, to view the banks and waterworks at least once in every month; and in case any member of said company shall neglect or refuse to keep up and maintain his part or portion of any bank, sluice, or watercourse, which is or may be laid off or assigned to him to be kept up and maintained, it shall be the duty of the managers, or either of them, to give such person (if resident within said township) notice in writing, either personally or by leaving such notice at his usual place of abode, to repair the same; and if such person shall still neglect or refuse to amend or repair said bank or sluice, or to open such watercourse, for the space of five days after the service of such notice, or in case of a breach in said bank, or if the said member be not resident in said township, then, without giving any such notice, the said managers, or either of them, are required to amend or repair said bank or sluice, and open such watercourse, and to collect the expense thereof, in the manner hereinbefore prescribed for the collection of assessments, from the person to whom the same has been assigned; and it shall be the duty of the managers, or either of them, to keep all laid out private roads in said meadows in good repair, and to collect the expense thereof from the owners and possessors using the same, in proportion to their use thereof, in the manner hereinbefore pointed out for the collection of assessments; *provided always*, that every such owner or possessor may have the privilege of working out his proportion of such expense upon such roads, under the direction of the managers, or either of them, who are hereby required to give five days' notice to all persons concerned, if resident in said township, before commencing any reparation of such roads; and the said managers shall exhibit their accounts for settlement at every annual meeting, and pay over all moneys remaining in their hands belonging to said company to their successors in office.

Surplus of sales, how disposed of.

Proceedings in case of neglect or refusal to repair bank, &c.

Managers to keep roads in good repair.

To exhibit annual accounts.

Sec. 4. *And be it enacted*, That the banks enclosing said meadow shall be kept up and maintained as they are now laid off and allotted to each of the several owners thereof, until it shall be determined at an annual meeting, by a majority of said company, to have a new allotment; and that in dividing the meadow, the commissioners shall divide the bank among all the owners thereof; and the managers and persons having bank to maintain, who are not the owners of the soil, are authorized to take mud and earth for making or repairing the same from the said meadow, where it may be most convenient for that purpose and least injurious to the owners; and

Banks, how to be made and maintained.

all sluices which are now laid, or may hereafter be laid, with two rods of bank or dam over the same, shall be made and maintained by an assessment upon all the meadows within the said bounds, unless at an annual meeting it shall be agreed, by a majority of said company, to divide the same, in which case the ditches may be stopped between the divisions, so as to prevent the water from passing from one division to the other; and the owners and possessors in each division are to make and maintain the sluices in such division, by an assessment upon the meadows in that division.

Duty of the clerk.

Sec. 5. *And be it enacted*, That the clerk shall provide a book, at the expense of the company, and enter therein the proceedings of all meetings held by the company, and all judgments and decisions that may be rendered by the commissioners; and it shall also be the duty of the clerk to assess upon the several owners and possessors of said marsh and meadow, according to the quantity of meadow that each may have, own, or possess, all sums of money that may be ordered to be raised by the managers, or either of them, with the approbation of any two of said company, for the use of the company, in defraying the necessary expenses thereof.

Disputes in said company, how determined.

Sec. 6. *And be it enacted*, That it shall be the duty of the commissioners to hear and determine all disputes that may arise in said company, between any persons interested therein; and the said commissioners, after hearing the parties and viewing the premises, shall give judgment in writing, under their hands or the hands of any two of them, as well in respect to the cost as to the matter in controversy; but in no case shall they proceed to hear and determine the matter in dispute, unless the party complainant shall notify his adversary of the time, place, and object of the hearing; and if either party shall think himself aggrieved by any such judgment or decision, then three other commissioners shall be appointed within ten days after the giving of said judgment or decision, in the manner following, that is to say: each of the disputing parties shall choose one, and the two thus selected shall choose the third; but the party thinking himself aggrieved shall have the power of choosing the first two commissioners, provided the adverse party should neglect or refuse to appoint a commissioner within one day after notice given him by the party thinking himself aggrieved, of his intention to appeal; and the three commissioners thus chosen, together with the regular commissioners, shall give the parties a rehearing, and their decision, or that of any four of them, shall be final and conclusive between the parties, as well with respect to the costs as to the matter in dispute.

Sec. 7. *And be it enacted*, That all line or division ditches

between any of the owners or possessors shall be watercourses, and all ditches that are eight feet wide at the top, and three feet deep from the surface of the meadow, and which lie on a mud or miry bottom, shall be deemed lawful fences, and all trespasses done over or through them shall be punishable as if done over or through any other lawful fence; and that the said ditches shall be opened and kept open by the owners or possessors, jointly, through whose meadow they may pass, and the mud and earth taken therefrom shall be thrown as equally upon each side as may be, unless otherwise agreed upon by the parties; and when ditches shall be dug or cleaned out along private roads, the mud or earth must all be thrown into said road, if the manager having charge thereof requires it.

Ditches to be kept open.

Sec. 8. *And be it enacted*, That it shall be the duty of each and every owner and possessor of meadow adjoining the tide or cross-banks, to mow or trim all the banks standing on his meadow and marsh, and clear the same of all kind of rubbish, once between the first day of June and the tenth day of July, and once between the first day of September and the first day of October, in each and every year; and in case any of the said owners or possessors shall refuse or neglect to perform any of the duties hereinbefore prescribed, after ten days' notice in writing, given by one of the managers, in the manner pointed out in the third section of this act, then it shall be the duty of the managers, or either of them, to have such work done, and to present his or their account therefor to such person as shall neglect or refuse as aforesaid, and upon his neglecting or refusing to pay the same for the space of ten days, then the said expense shall be collected in the manner pointed out in the third section of this act for the collection of assessments.

Owners to mow or trim banks.

Proceedings in case of neglect or refusal.

Sec. 9. *And be it enacted*, That if any person, duly appointed a manager, clerk, or commissioner in said company, shall neglect or refuse to perform any of the duties required of him by this act, he shall, for every such refusal or neglect, forfeit and pay the sum of ten dollars, to be recovered in an action of debt, with costs of suit, by any owner or possessor of marsh or meadow in said company who shall sue for the same; *provided always*, that no manager shall be liable to be prosecuted until he shall have had five days' notice, in writing, served upon him by some person interested, setting forth the case requiring his attention; and if it be work ordered to be done for the company, then not unless he shall have funds of the said company in his hands sufficient to defray the expense of said work; *and provided also*, that no commissioner shall be liable to be prosecuted for neglecting or refusing to hear and determine any dispute, as mentioned in the sixth section

Penalty for neglect of officers to perform duties.

Proviso.

of this act, until he shall have had five days' notice, in writing, served on him, either personally, or left at his usual place of abode, by one of the parties in dispute, setting forth the case requiring his attention.

Managers to
open drains, &c.

Sec. 10. *And be it enacted*, That it shall be the further duty of the managers to lay, or cause to be laid, as many sluices in the tide-bank, and open drains thereto, as shall be sufficient to drain every part of such meadow, and to see that the said drains are kept clear, so as to effect the draining thereof, charging the expense of the sluice and dam, as directed in the fourth section of this act, and the expense of the watercourses, to the owner or possessor through whose meadow they may pass; and in case a majority of said company, at an annual meeting, shall agree to admit the tide upon the meadow, for the purpose of improving the same, it shall be the duty of the managers to cut the bank at the time fixed upon in the places pointed out by the company for cutting the same; and when a majority, as aforesaid, shall agree to reclaim the same, then it shall be the duty of the managers to stop said breaches; and the expense of cutting and stopping, as aforesaid, shall be defrayed by a tax upon the whole company, in proportion to the meadow by them owned or possessed; and the cross-bank shall be kept up and maintained in the same manner.

Meadows liable
for expenses of
repairs.

Sec. 11. *And be it enacted*, That all the meadows belonging to said company shall be held liable for all the expenses of any repairs which may be done to the banks, sluices, roads, or watercourses, by the managers, or either of them, agreeably to the directions of this act, any judgment or execution, or any sale or alienation of the meadow, in anywise notwithstanding.

Manner of vot-
ing for officers.

Sec. 12. *And be it enacted*, That in all cases of an election of officers, or for other purposes, the mode of voting shall be in person or by proxy in writing, duly executed, and each and every owner or possessor shall be entitled to one vote; *provided always*, that there shall not be more than one vote given for meadow owned by the same person, unless it belongs, or is attached to two or more of his or her farms.

Compensation
to commission-
ers.

Sec. 13. *And be it enacted*, That the commissioners shall be allowed one dollar and fifty cents per day, each, for every day that they may be employed in the discharge of the duties required of them by this act, and the managers shall be allowed twenty-five cents per day, each, over and above the wages of common workmen.

Present mana-
gers.

Sec. 14. *And be it enacted*, That Samuel Bond and William Somers shall continue to be the managers of said meadow un-

til the first Thursday in April next, and until others shall be chosen.

Sec. 15. *And be it enacted*, That the act entitled, "An act concerning the marsh and meadow lying between the fast land of Mahlon Haines, on the river Delaware, and the fast land of John Somers, on Oldmans creek, in the township of Upper Penns Neck, in the county of Salem," passed the twenty-fourth of November, eighteen hundred and nine, so far as it relates to the Amicable Meadow Company, shall be, and the same is hereby repealed.

Part of former
act repealed.

Passed February 14, 1843.

A supplement to an act entitled, "An act to change the trust of the real estate of Charlotte Losey, and to authorize a sale of the same," passed the tenth day of March, eighteen hundred and thirty-seven.

WHEREAS, by a certain deed of conveyance, bearing date the twentieth day of October, eighteen hundred and twenty-one, executed by Jacob Losey, of the one part, and Charlotte Shotwell, (afterwards Charlotte Losey) of the second part, and Daniel Ayers, of the third part, certain personal property, therein mentioned, was conveyed by the said Charlotte to the said Daniel Ayers, in trust for the special uses and purposes therein expressed;—and whereas, by a certain other deed of conveyance, bearing date on the day and year aforesaid, executed by the said Jacob Losey, of the first part, and the said Charlotte Shotwell, of the second part, and by Henry Moore, junior, William Laign, and Richard H. Arnold, of the third part, certain lands and premises therein described, being two several lots of land, situated in the township of Randolph, in the county of Morris, one whereof contains nineteen acres, and the other six acres, more or less, were conveyed to the said Henry Moore, junior, William Laign, and Richard H. Arnold, in trust and for the special uses and purposes therein mentioned;—and whereas, by the act to which this is a supplement, at the request and by the consent of the parties interested, the

Preamble.

said Henry Moore and Richard H. Arnold were released and discharged from the further execution of the trust so reposed in them, and the said lands and premises vested in the said William Laign, in as full and ample a manner as the same were held by the former trustees, but with power to sell and convey the said lands and premises;—and whereas it appears to the legislature that the said William Laign has since departed this life, and that the said real estate remains unsold, and that the said Charlotte requires for her support more than the annual use and proceeds of said real and personal estate; and that the said Daniel Ayers is desirous to relinquish his said trust, and the said Charlotte and all the parties in interest have sought the aid of the legislature in this behalf—therefore,

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Daniel Ayers be, and he is hereby wholly released and discharged from the further execution of the trust so reposed in him; and that the said personal estate, and every part thereof, and of the proceeds thereof, and every thing pertaining thereto, be, and the same is hereby vested in David S. Ives, in as full and ample a manner as the same was held by the said Daniel Ayers, upon the like trust, and for the same uses and purposes, as the same was held by him; and further, that the said lands and premises, with the appurtenances, be, and they are hereby vested in the said David S. Ives, in as full and ample a manner as the same were held by the said William Laign at the time of his death, upon the like trust, and for the same uses and purposes, as the said lands and premises were held by him.

D. S. Ives appointed treasurer, in the place of D. Ayers.

Trustees authorized to sell real estate.

SEC. 2. *And be it enacted,* That the said David S. Ives be, and he is hereby authorized and empowered, in his own name, to take, demand, and receive, sue for and collect, the said goods and chattels and choses in action, and to sell and transfer the same; and with the consent in writing of the said Charlotte Losey, to sell and convey the said real estate, with the appurtenances, and to execute good and sufficient deed or deeds for the same; and securely to invest the moneys arising from the said real and personal estate, and from time to time to pay over the interest accruing thereon, and such portions of the principal as she may require, and as may be requisite for her use, to the said Charlotte Losey, upon her separate order; and that this act take effect and go into operation immediately after the passage thereof.

Passed February 15, 1843.

A further supplement to an act entitled, "An act to provide for the instruction of indigent blind persons, inhabitants of this state," passed March eighth, eighteen hundred and thirty-six.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the term of instruction allowed by the act to which this is a supplement, may be extended to any term not exceeding eight years at the discretion of the governor, or person administering the government of this state; and indigent blind persons, inhabitants of this state, who may have been under instruction for five years only, under the act aforesaid, may be readmitted for the residue of the term hereby allowed, whenever the governor, or person administering the government of this state, shall receive a written communication, signed by the principal and one or more of the directors of the institution, in which such indigent blind persons are placed, setting forth that such blind persons are capable of making good progress in the acquisition of knowledge, and recommending their readmission to such institution.

Term of instruction extended.

Passed February 16, 1843.

AN ACT for the relief of Robert Thomas, of the county of Mercer.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state for the time being shall be, and he is hereby authorized and required to pay Robert Thomas, of the county aforesaid, a soldier in the service of the United States, in the Revolutionary war, or to his order, the sum of fifty dollars per annum, to be paid to the said Robert Thomas, in half-yearly payments, from the passing of this act, during the lifetime of the said Robert Thomas, the first payment to be made on the passage of this act; and the receipt of the said Robert Thomas, or his order, shall be a sufficient voucher to the treasurer for such sums of money as he may pay by virtue of this act, in the settlement of his accounts.

\$50 per annum to be paid to R. Thomas.

Passed February 16, 1843.

AN ACT to enable the townships of Dover, Middletown, and Howell, in the county of Monmouth, to sell and convey certain real estate therein named.

Preamble,

WHEREAS the townships of Dover, Middletown, and Howell, in their respective corporate capacities, are now tenants in common in a certain messuage and farm, and other out lands, situate in the township of Shrewsbury, and county of Monmouth, in this state, known by the name of "the poor-house farm;" and whereas the aforesaid townships of Dover, Middletown, and Howell are desirous of selling and disposing of a part, or the whole of the same, either jointly, as the said townships shall agree, or separately, as each township for itself shall deem expedient, so far as their right to said farm and out lands shall extend; and whereas there is no person or persons authorized by law to convey the said farm and out lands, belonging to the aforesaid townships of Dover, Middletown, and Howell—therefore,

Township committees of Dover, Middletown, and Howell authorized to sell certain lands.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the township committees of the respective townships of Dover, Middletown, and Howell, in the county of Monmouth, in this state, be, and they are hereby authorized and empowered, either jointly, or each township committee, for their respective townships, severally, to sell and convey the whole, or any part of the aforesaid farm and out lands, as they shall deem expedient, to any township or townships within the county of Monmouth; and all and every deed or deeds made and executed by the township committees of the aforesaid townships, either jointly or severally, or by either of them, shall convey to, and vest in any and every grantee thereof all the estate, right, title, and interest that the township or townships making such sale and conveyance may have at the time of the execution thereof.

Act, when to take effect.

Sec. 2. *And be it enacted,* That this act shall go into effect immediately on the passage thereof.

Passed February 16, 1843.

AN ACT relative to the assessment and collection of taxes in
the city of Newark.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the duties which the assessors of the several townships and wards in the county of Essex are required by law to perform, between the twentieth day of May and the twentieth day of August, shall be performed by them between the twentieth day of April and the twentieth day of June, in each year hereafter.

Duties of assessors, when to be performed.

Sec. 2. *And be it enacted*, That the said assessors shall meet annually, on the second Monday in July, instead of the first Monday in September, to perform the duties required of them by law; *provided*, that the assessors of the several wards of the city of Newark shall perform the duty required by the fifth section of the act entitled, "An act concerning taxes," within fifteen days from the said second Monday in July; and the assessors of the several other townships and wards of the county of Essex, within fifteen days from the first Monday in September, as now directed by law.

Time of meeting of assessors.

Sec. 3. *And be it enacted*, That the commissioners of appeal in cases of taxation of the several wards of the city of Newark, shall meet, annually, on the second Tuesday of September instead of the second Tuesday of November, as heretofore.

Time of meeting of commissioners of appeal.

Sec. 4. *And be it enacted*, That the duty which the collectors of the several wards of the said city of Newark are now required to perform by the tenth section of the act entitled, "An act concerning taxes," shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and the provisions of the eleventh section shall be construed as relating to the said first day of August, except that the time of payment of moneys to the collector of the county of Essex shall be by the twenty-second day of October, instead of the twenty-second day of December, in each year; and that the provisions of the second and fourth sections of the act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," passed March fourth, eighteen hundred and forty-one, shall also be construed as relating to the twentieth day of October, in each year, as aforesaid; and interest shall accrue and be reckoned accordingly, instead of the time mentioned in the fourth section of the last mentioned act; and that the lien mentioned in the fifth section of

Duties of collectors, when to be performed.

the last mentioned act shall commence on the twentieth day of June of each year, and continue for two years thereafter.

Sec. 5. *And be it enacted*, That the provisions of this act shall not be construed to repeal any of the existing provisions of law in reference to taxes, except so far as the same are inconsistent with the provisions of this act.

Act, when to
take effect.

Sec. 6. *And be it enacted*, That this act shall go into operation upon the passage thereof.

Passed February 16, 1843.

AN ACT to authorize the stockholders of the Mechanics and Manufacturers Bank at Trenton to reduce their capital stock.

Stockholders
authorized to
reduce capital
stock.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever, at a meeting of the stockholders of the Mechanics and Manufacturers Bank at Trenton, convened at their banking-house in the city of Trenton, in the manner prescribed in the third section of an act entitled, "An act to incorporate the Mechanics and Manufacturers Bank at Trenton," a majority of the said stockholders, voting according to the rule and in the ratio prescribed in the said act, shall determine that a reduction of the capital stock of the said bank is expedient, it shall and may be lawful for the said stockholders, by resolution, to be adopted at such meeting, to reduce the capital of the said bank to such sum as they may deem most likely to promote the interests of the said stockholders; and that the capital stock so reduced shall and may be employed, and the interests and profits thereof be divided among the stockholders, subject to the same provisions, restrictions, limitations, and penalties as are provided for in and by the above mentioned act; *provided always*, that the said capital stock shall not be reduced to a sum less than one hundred thousand dollars, nor to a sum less than the amount of the existing liabilities of the said corporation at the time of such reduction; and also, that the said reduction shall not be legally perfected and established, until a copy of the resolution

Provide.

of the stockholders for that purpose, to be adopted as aforesaid, signed by the president, and countersigned by the cashier of the said bank, and sealed with the common seal of the said corporation, shall be delivered to the secretary of this state, to be by him filed in his office.

Passed February 16, 1843.

AN ACT to confirm the division of the real estate, late of Jacob Kay, deceased.

WHEREAS Jacob Kay, late of the township of Waterford, in the county of Gloucester, and state of New Jersey, now deceased, in and by his last will and testament in writing, bearing date the eleventh day of September, eighteen hundred and forty-one, did devise certain real estate, therein mentioned, situate in said county, to his eight children, viz: Joseph Kay, Elizabeth Clark, Isaac Kay, Job B. Kay, Josiah Kay, Jacob Kay, Briggs Kay, and Jemima Fortner, equally to be divided between them, share and share alike and in fee-simple, except as to the one equal eighth part thereof, which he devised to his said son Josiah Kay, for life only, "and at his decease to descend to his legal heirs-at-law;" which said last will and testament hath been, since the decease of said testator, duly proved and recorded in the office of the surrogate of said county of Gloucester;—and whereas the said real estate, devised as aforesaid, has been since divided among the said eight children, by John Clement, Joseph Kay, and Joseph K. Lippincott, commissioners appointed for that purpose by the orphans court of said county, into eight equal shares, and the said commissioners have made report thereof in writing under their hands, bearing date the seventeenth day of March, eighteen hundred and forty-two, to said court; and the said court, at the March term thereof, eighteen hundred and forty-two, approved of and confirmed said division;—and whereas, although all of said children are well satisfied with said division, yet they are advised that it is doubtful whether the same will be binding upon the heirs-at-law of said Josiah

Kay, tenant for life as aforesaid, after his decease, and have therefore petitioned for a confirmation of said division—therefore,

Division of real
estate of Jacob
Kay confirmed.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the aforesaid division of the said real estate, late of Jacob Kay, of the township of Waterford, in the county of Gloucester, aforesaid, (now deceased) between his aforesaid eight children, named in said division, be, and the same is hereby confirmed and made valid and binding in law upon said children and their respective heirs and assigns, and all other person or persons claiming or to claim by, from, through, or under them, or any of them, or by, from, through, or under the aforesaid last will and testament of Jacob Kay, deceased, any law, usage, or custom to the contrary thereof notwithstanding.

Passed February 16, 1843.

AN ACT to incorporate the Temperance Beneficial Society of
Lumberton, New Jersey.

Preamble.

WHEREAS a number of the inhabitants of the village of Lumberton and its vicinity, in the county of Burlington, have formed themselves into an association, or society, to which they have given the name of "the Temperance Beneficial Society of Lumberton, New Jersey," the object of which is to create a fund, to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty, or other cause, be rendered incapable of attending to their usual occupation or calling, and, also, towards the decent interment of deceased members;—and whereas it is believed an act of incorporation will promote the object of the society, and add to the security of its property; and the said society having, by petition presented to the legislature, prayed to be incorporated—therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority*

of the same, That Mahlon Tash, Joseph W. Ross, William S. Fort, William C. Bishop, John H. Pippitt, William F. Moore, James Branson, junior, Jehu Murphins, Franklin A. Wright, and all such other persons, not exceeding four hundred, as now are or hereafter may become members of said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Temperance Beneficial Society of Lumberton, New Jersey; and, by that name, they and their successors shall have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their names as aforesaid, under their common seal, may make and enter into, form and execute, any contracts or agreements relating to or touching and concerning the objects of the said incorporation.

Names of incorporators.

Style of incorporation.

Powers and privileges.

Sec. 2. *And be it enacted*, That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president, vice president, secretary, assistant secretary, treasurer, three or more stewards, an investigating committee of three persons, a messenger, and such other officers as shall be deemed necessary; who shall be elected by ballot, by a majority of the members present at a meeting convened for that purpose, of which two weeks' notice shall be given, by publishing the same in a newspaper published at Mount Holly, in the county of Burlington.

Officers of corporation, how elected.

Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held, or which may be hereafter held by the said society, shall be vested in the body politic and corporate hereby created; which said body politic and corporate shall, by their name and title aforesaid, be able and capable in law to purchase, receive, and take, hold, possess, and convey, for the use and benefit of said association, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same; *provided*, that the clear yearly value or income of the real and personal estate of the said corporation shall not exceed one thousand dollars.

What real and personal estate may be held.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt,

May make constitution and by-laws.

and use, and from time to time to alter, amend, or change, as by them may be deemed expedient, such general form of constitution and by-laws for the transaction of the business, and for effecting the purposes and objects of the association aforesaid, as to the members thereof, or a majority of them, when duly convened, shall be deemed right and proper; *provided*, that nothing in said constitution and by-laws shall be repugnant to the constitution and laws of the United States or of this state.

Objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive objects of the association hereby incorporated, shall be the relief of its respective members, when sick or disabled, by bodily infirmities or otherwise, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of deceased members, as provided for in the constitution and by-laws of said association, and such other necessary expenses as may accrue in carrying into effect the objects set forth in the preamble and in this, as well as in the foregoing sections of this act; and that no part of the funds of said corporation shall be used for banking purposes, or in any other way except as provided for in this act.

Act, when to take effect.

Sec. 6. *And be it enacted*, That this act shall go into effect immediately after the passage thereof; and it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper.

Passed February 17, 1843.

A further supplement to the act entitled, "An act to incorporate the Newark and Pompton Turnpike Company," passed the twenty-fourth of February, eighteen hundred and six.

Turnpike bridges not to be free, except in certain cases.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That nothing contained in the original act to which this is a supplement, shall be so construed as to entitle any person to use the turnpike road belonging to said company free of toll, in passing to or from his common business on his

farm, to a greater distance than one mile, nor in that distance shall he be authorized to pass free of toll any bridge on said road over the Passaic river, except at the Pine brook bridges.

Sec. 2. *And be it enacted*, That all the bridges now erected by said company on the line of said road, not less than fifteen feet wide, shall be deemed of lawful width, anything in the sixth section of the original act to the contrary notwithstanding; and that all bridges hereafter to be constructed in the line of said road, by said company, shall be not less than fifteen feet wide; and that so much of said sixth section as is not compatible herewith, be, and the same is hereby repealed.

Bridges to be fifteen feet wide.

Sec. 3. *And be it enacted*, That this act shall go into operation immediately on the passage thereof.

Act, when to take effect.

Passed February 17, 1843.

AN ACT changing a part of the boundary line between the townships of Princeton and West Windsor, in the county of Mercer.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the middle of the Princeton and Kingston branch turnpike road, from where it leaves the eastern line of the borough of Princeton, by the way it now runs to the Millstone river, shall be the boundary line, between those points, between the township of Princeton and the township of West Windsor, all previous acts in relation thereto to the contrary notwithstanding.

Boundary line between Princeton and East Windsor.

Passed February 17, 1843.

AN ACT to divorce Huldah Ann Dawson from her husband
George Dawson.

H. A. and G.
Dawson di-
vored.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Huldah Ann Dawson, of the county of Middlesex, be, and she is hereby divorced from her husband George Dawson, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

Passed February 17, 1843.

AN ACT to authorize James Long and John H. Scattergood, executors of the last will and testament of John McGowan, deceased, to sell and convey certain real estate.

Procedable.

WHEREAS Samuel Leeds and Harriet his wife, of the county of Burlington, by indenture of bargain and sale, bearing date on the fifteenth day of March, A. D. eighteen hundred and forty-one, and since recorded in the clerk's office of said county, in book Z 3 of deeds, folios 90, &c., did convey to John McGowan, of said county, a lot of land, and the buildings thereon situate, in said indenture particularly described;—and whereas it was agreed between the said parties, at the time of such conveyance, that the said John McGowan should hold the said lot of land, subject to the payment of the mortgages and incumbrances thereon, in trust for the benefit of the said Harriet Leeds and her children;—and whereas the said John McGowan, on the thirteenth day of July, A. D. eighteen hundred and thirty-seven, made his last will and testament in writing, in due form of law to pass real estate, and constituted and appointed James Long and John H. Scattergood to be the executors thereof, with full power to sell and convey all his real estate; and the said John McGowan afterwards departed this life, without having executed any declaration of trust in pursuance of said agreement, and without having republished his said last will and testament, by means whereof the title to said lot of land

became vested in Mary Lippincott, Jane Riden, the wife of Samuel Riden, Hannah Scattergood, the wife of John H. Scattergood, Rebecca Atkinson, the wife of Joseph Atkinson, Harriet Leeds, the wife of Samuel Leeds, Keziah Folwell, the wife of John Folwell, James McGowan, Samuel McGowan, Eliza Ann Long, and Margaret McGowan, the heirs-at-law of said John McGowan, deceased;—and whereas the said Eliza Long and Margaret McGowan are minors, and cannot join in the sale and conveyance of the said lot of land; and all the heirs-at-law of the said John McGowan, deceased, except the said minors, being anxious that a sale thereof should take place as speedily as possible, have, with the said executors, petitioned for legislative aid in the premises;—and whereas William N. Shinn, trustee for the children of the said Harriet Leeds, who holds a mortgage, executed by the said Samuel Leeds and Harriet his wife, upon the said lot of land, to secure the payment of the sum of eight hundred dollars, bearing date on the fourth day of February, A. D. eighteen hundred and forty, hath joined in the said petition, and declared that he is willing to cancel his said mortgage, upon being authorized to receive and hold the balance of the money that may be produced by the sale of the said lot of land, over and above the amount of the other incumbrances thereon, (including the amount of money due to the executors of the said John McGowan, deceased,) in trust for the benefit of the said Harriet Leeds and her children, according to the agreement made by the said John McGowan; and the prayer of the said petitioners appearing to be just and reasonable—therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That James Long and John H. Scattergood, executors as aforesaid, and the survivor of them, be, and they are hereby authorized and empowered to sell the aforesaid lot of land at public vendue, to the highest bidder, and to make, execute, and deliver good and sufficient deed or deeds therefor, to the purchaser or purchasers thereof; which deed or deeds, when so executed and delivered, shall convey to, and vest in the said purchaser or purchasers as good and sufficient an estate in and to the said lot of land as the said John McGowan had therein at the time of his death, free and discharged of and from the said trust, and also free and discharged of and from the mortgage so as aforesaid held by William N. Shinn, trustee as aforesaid; provided always, that nothing in this act contained shall in any way affect the liens or mortgages of any other person or persons whatsoever.

Executors authorized to convey real estate.

Balance of purchase money, how to be disposed of.

Sec. 2. *And be it enacted,* That the said James Long and John H. Scattergood, or the survivor of them, be, and they are hereby authorized and empowered to take and receive the purchase money for said land, and, after paying all needful expenses in obtaining this act and in selling said land, and all liens and incumbrances thereon, including the amount due to the said executors, but not the mortgage so as aforesaid held by the said William N. Shinn, then to pay the balance of said purchase money over to the said William N. Shinn, whose receipt shall be a sufficient discharge to them therefor.

Money to be invested, and interest paid to H. Leeds.

Sec. 3. *And be it enacted,* That the money so received by the said William N. Shinn shall be held by him and his executors in trust, to invest the same, and pay the interest accruing thereon to the said Harriet Leeds annually, during her natural life, for her own separate use and upon her separate receipt, free from the debts and control of her husband, and, immediately after her death, to pay the said money to and amongst the children of the said Harriet Leeds, born and to be born, share and share alike; and in case of the death of any child of said Harriet, during her lifetime, leaving children, they are to represent their parent, and to take his or her share.

Sale of lands to be advertised.

Sec. 4. *And be it enacted,* That the said James Long and John H. Scattergood, or the survivor of them, shall advertise the sale of said land, by setting up notices thereof in five of the most public places in the county of Burlington, at least four weeks prior to the day of sale, and by advertisements published, at least once in every week, in a newspaper printed at Mount Holly, for at least four weeks previous to the time appointed for the sale thereof.

Executors to give bond to ordinary.

Sec. 5. *And be it enacted,* That before the said James Long and John H. Scattergood shall proceed to execute the powers and authority vested in them by this act, they shall enter into bond to the ordinary of this state, in the penal sum of two thousand and five hundred dollars, with two good and sufficient sureties, to be approved by the surrogate of the county of Burlington, conditioned for the faithful performance of the trusts reposed in them by this act, and that they will well and truly apply the moneys arising from the sale of the said land in the manner hereinbefore mentioned; and said bond shall be filed in the office of said surrogate; and if the same become forfeited, it shall be lawful for the ordinary to cause the same to be prosecuted, at the request of any person aggrieved thereby.

Trustee, how appointed in case of vacancy.

Sec. 6. *And be it enacted,* That in case of the death of the said William N. Shinn, or of his neglect or refusal to act, the orphans court of the county of Burlington shall have full pow-

er and authority to appoint another trustee in his stead, who shall have all the powers conferred upon the said William N. Shinn by this act.

Passed February 17, 1843.

A further supplement to "An act concerning stray cattle, horses, and sheep," passed seventh March, seventeen hundred and ninety-seven.

WHEREAS it has been represented to the Council and General Assembly of the state of New Jersey, that the supplement to the act relative to estray cattle, horses, and sheep, passed twenty-eighth February, eighteen hundred and thirty-eight, which requires the township clerk of the different townships in each county to advertise such estrays in a newspaper published in the county, or if none, then in one published in the adjoining county, for the space of three weeks, is of great inconvenience to the inhabitants of the county of Atlantic, by reason of there being no newspaper printed in said county wherein to make advertisement, according to the said supplement—therefore, Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the inhabitants of the county of Atlantic be, and they are hereby declared to be exempt and free from the provisions of said supplement, and shall be discharged from the force and effect thereof, anything to the contrary in the same notwithstanding. Inhabitants of Atlantic county exempt from provisions of act.

Sec. 2. *And be it enacted,* That this act shall go into effect immediately after the passage thereof. Act, when to take effect.

Passed February 17, 1843.

AN ACT to confirm the title to lands sold by Frazee Coles, administrator of the estate of Isaac W. Littell, deceased.

Preamble.

WHEREAS Frazee Coles, as administrator of the estate of Isaac W. Littell, deceased, late of the county of Essex, by virtue of the orders of the orphans court of the said county of Essex, made for that purpose, did, on the fourteenth day of September, A. D. one thousand eight hundred and thirty-eight, sell, at public vendue, to Joseph P. Tooker, since deceased, for the consideration of seven thousand and six hundred dollars, being a full price for the same, the real estate of the said Isaac W. Littell, in the said county of Essex, for the payment of his debts, consisting of a farm, situated in the township of Union, containing about one hundred and twenty-two acres; and did make and deliver to the said Joseph P. Tooker a deed for the said lands, bearing date the nineteenth day of September, A. D. one thousand eight hundred and thirty-eight, which is recorded in book C 5 of deeds, of Essex county, on pages 175, 176, 177;—and whereas it is alleged that the title to the said lands, intended to be conveyed by the said deed, is defective, by reason of certain irregularities in the said orders of the orphans court, and also because the said sale was not reported to and confirmed by the said orphans court, and a good and sufficient conveyance in the law directed by the said court to be made to the said Joseph P. Tooker—for remedy whereof, and in order to legalize the said sale, and confirm the title of the said Joseph P. Tooker, his heirs and assigns, to the said lands, intended to be conveyed by the said deed to the said Joseph P. Tooker,

Sale of real estate confirmed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the sale of the real estate whereof Isaac W. Littell, late of the county of Essex, deceased, died seized, made by Frazee Coles, administrator, &c., of the said Isaac W. Littell, and the intended conveyance thereof to Joseph P. Tooker, by deed of conveyance from the said Frazee Coles, as administrator as aforesaid, to the said Joseph P. Tooker, bearing date the nineteenth day of September, one thousand eight hundred and thirty-eight, be, and they are hereby confirmed and declared to be valid and effectual in law, in like manner and to the same effect as if the orders for the sale of said lands by Frazee Coles, administrator as aforesaid, made by the orphans court of the county of Essex, were legal and valid; and also, as if the report of the said sale, as required by law, had been

made to, and confirmed by the said orphans court as valid and effectual in law, and the said administrator had been directed, by rule of said court, to execute a good and sufficient conveyance in the law to the said Joseph P. Tooker for the lands described in the said deed of conveyance; which said deed of conveyance is hereby declared to convey to and vest in the said Joseph P. Tooker, his heirs and assigns, at the time of the delivery of the said deed to the said Joseph P. Tooker, all the estate, right, title, and interest which the heirs-at-law of the said Isaac W. Littell, deceased, had therein at the time of the aforesaid sale.

Interest vested
in purchaser.

Passed February 17, 1843.

A further supplement to the act entitled, "An act respecting conveyances," and to an act entitled, "An act to register mortgages."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the governor of this state be, and he is hereby authorized to name, appoint, and commission one additional commissioner in each of the states of New York and Pennsylvania; which commissioner shall have the same power and authority as is now granted to commissioners appointed under and by virtue of the first section of an act entitled, "An additional supplement to the act entitled, an act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the third of November, eighteen hundred and thirty-six.

Appointment of
additional com-
missioners au-
thorized.

Passed February 17, 1843.

AN ACT to incorporate the Union Total Abstinence Beneficial Society of Upper Penns Neck, Salem county, New Jersey.

Names of corporators. SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That David Smith, junior, James Denny, John P. Leap, William Sack, Samuel S. Thompson, James D. Simpkins, Jonathan Hannah, John K. Lowderback, John H. Simpkins, Thomas C. Price, Isaac Shute, Charles C. Holton, James Flanigin, Abel Biddle, David Zanes, John Burden, William Biddle, and such other persons as now are or hereafter shall become associates of the Union Total Abstinence Beneficial Society of Upper Penns Neck, Salem county, New Jersey, shall be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "the Union Total Abstinence Beneficial Society of Upper Penns Neck," Salem county, New Jersey.

Style of incorporation.

Powers and privileges. SEC. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity; and may have a common seal, and may have power to alter the same at their pleasure, and, by their common seal, enter into and execute contracts and agreements; and such corporation shall have full power to make and adopt such laws and regulations as they may think proper, not inconsistent with the laws of the United States or of this state.

Capital stock, how applied. SEC. 3. *And be it enacted,* That the capital stock of the said corporation shall not exceed the sum of five thousand dollars, which shall be applied to the nursing and attendance of members while sick, the purchase of necessaries for sick members, the payment of physicians' and surgeons' bills, the funeral expenses of deceased members, and such other incidental expenses as may be needful to further the objects of the said society.

How officers elected. SEC. 4. *And be it enacted,* That the said corporation shall have power to elect, annually, or oftener, if necessary, out of their own body, a president and such other officers and assistants as shall be necessary for the proper management of the affairs of said corporation, according to their laws; and the president shall keep in his custody the common seal of the corporation, and deliver it over, at the end of his term of office, to his successors.

SEC. 5. *And be it enacted,* That the constitution and by-laws

of the said corporation shall be binding and imperative on the different members, and may be enforced by suit against defaulting members, in the corporate name of said company, before any court having competent jurisdiction; *provided*, that in all suits between the said corporation, and a member or members thereof, any of the said members may be witnesses for either party.

Constitution
and by-laws,
how enforced.

Sec. 6. *And be it enacted*, That the legislature may, at any time hereafter, alter, amend, modify, or repeal this act, as they may think proper.

Act may be al-
tered, modified,
or repealed.

Passed February 17, 1843.

AN ACT to repeal the act entitled, "A supplement to the act entitled, an act relative to the probate of wills."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled, "A supplement to the act entitled, an act relative to the probate of wills," passed the twenty-eighth of February, eighteen hundred and thirty-eight, be, and the same is hereby repealed.

Supplement to
act repealed.

Passed February 17, 1843.

A further supplement to the act entitled, "An act securing to mechanics and others payment for their labour and materials in erecting any house or other building, within the limits therein mentioned," passed the third of March, eighteen hundred and thirty-five.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the provisions of the act to which this is a supplement, shall be extended to, and be in full force and effect

Provisions of
former act ex-
tended.

within the limits of the city of Burlington, in the county of Burlington.

Act, when to
take effect.

Sec. 2. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed February 20, 1843.

AN ACT respecting the Paterson and Ramapo Railroad Company.

Preamble.

WHEREAS the Paterson and Ramapo Railroad Company was chartered in March, eighteen hundred and forty-one, and, on account of the depressed state of the money market, the commissioners have not deemed it expedient to open the subscription books for the stock thereof; and whereas it is proper that the said charter should be continued in existence—therefore,

Time for com-
mencing road
extended.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled, "An act to incorporate the Paterson and Ramapo Railroad Company," passed the tenth day of March, in the year of our Lord one thousand eight hundred and forty-one, shall not become void if the said railroad shall not be commenced by the fourth day of July next, anything in the seventeenth section of the said act to the contrary notwithstanding.

Passed February 21, 1843.

A further supplement to the act entitled, "An act authorizing the enclosure of a certain tract of land, situate in the township of Caldwell, in the county of Essex, called the Hetfield swamp," passed the twenty-eighth day of January, eighteen hundred and twenty-nine.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all the lands and premises now belonging to Zenas C. Crane, Caleb Crane, Moses P. Crane, and Nathaniel S. Crane, or any or either of them, and included within the boundaries mentioned in the first section of the act to which this is a further supplement, and every part thereof, shall be, and the same are hereby exempted and discharged from the effect and operation of the said act to which this is a supplement, and every section and clause thereof, as fully, to all intents and purposes, as though the same were not included within the boundaries aforesaid; *provided always*, that nothing in this act contained shall release or discharge the said lands and premises, or the owners thereof, from any assessment heretofore made in pursuance of the act to which is a further supplement.

Certain lands exempted from operation of former act.

Proviso.

Passed February 21, 1843.

AN ACT for the relief of John Beem, of the county of Hunterdon.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the treasurer of this state for the time being shall, and is hereby authorized and required to pay John Beem, of the aforesaid county, a soldier in the service of the United States, in the Revolutionary war, or to his order, the sum of fifty dollars per annum, to be paid to the said John Beem, in half-yearly payments, from the passing of this act, during the lifetime of the said John Beem, the first payment to be made on the passage of this act; and

\$50 per annum to be paid to J. Beem.

the receipt of the said John Beem, or his order, shall be a sufficient voucher to the treasurer for such sums so paid as aforesaid, in the settlement of his accounts.

Passed February 22, 1843.

A further supplement to the act entitled, "An act concerning sheriffs," passed the eighteenth of March, seventeen hundred and ninety-six.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That where any sheriff, before the expiration of his term of office, shall die or remove out of the jurisdiction of this state, or otherwise become disabled by law to execute the duties of his office, having in his hands to be executed any writ or writs of execution, issued out of any court of law or equity in this state, and having, before such death, removal, or other disability, appointed, according to law, an under-sheriff, such under-sheriff may, after taking the oath of office required of him by law, and executing to this state a bond, in the manner directed by the act to which this is a supplement, proceed to execute all such writs of execution, to make or complete levies by virtue thereof, if the same have not been made or completed, to receive all moneys remaining due thereon, to make sale and disposition of all goods and chattels, lands and tenements, levied on by virtue thereof, either by himself or by the said sheriff, to make good and sufficient deeds of conveyance, sold by virtue of such execution, either by the said sheriff or under-sheriff, and to do and complete all other acts in the premises, in as full and ample a manner as the said sheriff might himself have done, subject to the same regulations and restrictions, and to the same penalties, suits, and amercements, for any neglect of duty thereon, and shall be entitled to the same fees and emoluments as are by law allowed to the sheriff.

In case of death of sheriff, under-sheriff may perform duties.

Sec. 2. *And be it enacted,* That the bond to be executed by virtue of this act shall be, in all respects, similar to the bond mentioned in the second section of the act to which this is a

Bond, how drawn.

supplement, except that, in the condition thereof, the words "under-sheriff" shall be substituted for the word "sheriff."

Sec. 3. *And be it enacted*, That this act shall go into effect immediately after the passage thereof. Act, when to take effect.

Passed February 22, 1843.

AN ACT to incorporate the Temperance Beneficial Society of Bordentown, New Jersey.

WHEREAS a number of the inhabitants of the county of Burlington have formed themselves into an association, or society, to which they have given the name of "the Temperance Beneficial Society of Bordentown," the object of which is mutual benevolence, by providing for themselves an honourable support, under such contingencies as Providence may permit, by raising a fund, to be applied towards the relief of such of the members thereof as shall, by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual trade or calling, and, also, the decent interments of its deceased members;—and whereas it is believed an act of incorporation will promote the objects of said society, and add security to the property thereof— Pream ble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John Higgins, Robert Idell, Thomas S. Field, John S. Hankins, Abraham Claypole, Jacob E. Moreton, William C. Carman, William Adams, George S. Bunting, and Israel Fraser, and all such other persons, not exceeding two hundred, as now are or may hereafter become members of said society, be, and they are hereby ordained, constituted, and declared to be a body corporate and politic in law, by the name, style, and title of "the Temperance Beneficial Society of Bordentown, New Jersey;" and, by that name, they and their successors shall have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all man- Names of corporations.

Style of incorporation.

Powers and privileges.

ner of actions, suits, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their name aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching or concerning the objects of the said incorporation.

Officers of corporation, how elected.

Sec. 2. *And be it enacted*, That, for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vice president, secretary, assistant secretary, treasurer, three or more stewards, an investigating committee of three, and messenger, and all such other officers and assistants as shall be deemed necessary; all of whom shall be elected annually, by ballot, except the stewards and the investigating committee, who shall be chosen every four months, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint.

What real and personal estate may be held.

Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held, or which may be hereafter held by the said society, shall be vested in the body politic and corporate hereby created; which said body politic and corporate shall, by their name and title aforesaid, be able and capable in law to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same; *provided*, that the clear yearly income or value of the real and personal estate of said incorporation shall not exceed the sum of one thousand dollars.

Proviso.

May make constitution and by-laws.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time to alter, amend, or change, as by them may be deemed expedient, such general form of a constitution and such by-laws for the transaction of business, and for effecting the purposes of the society aforesaid, as to the members, or a majority of the members present, duly met, shall be deemed right and proper; *provided*, that nothing in the said constitution and by-laws be repugnant to the constitution or laws of the United States or of this state.

Proviso.

Objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities from pursuing their ordinary avocations, the payment of

the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act; and no part of the funds of said corporation shall be used for banking purposes, or in any other way except as provided for in this act.

Sec. 6. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper. Act, when to take effect.

Passed February 22, 1843.

AN ACT to repeal the charters of certain banks therein named.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the following acts of the Council and General Assembly of this state, viz: Charters of banks repealed.

"An act to incorporate the Franklin Bank of New Jersey," passed December twenty-eighth, one thousand eight hundred and twenty-four;

"An act to incorporate the Monmouth Bank," passed December twenty-eighth, one thousand eight hundred and twenty-four;

"An act to incorporate the Wehawk Banking Company," passed December twenty-eighth, one thousand eight hundred and twenty-four;

"An act to incorporate the Manufacturers Bank at Belleville," passed February twenty-sixth, one thousand eight hundred and thirty-four;

"An act supplementary to an act to incorporate the Belvidere and Delaware Railroad Company," passed February seventh, one thousand eight hundred and thirty-seven;

"An act to incorporate the Citizens and Mechanics Bank of Elizabeth," passed February twenty-fourth, one thousand eight hundred and thirty-seven;

"An act to incorporate the Bank of New Jersey," passed February twenty-fourth, one thousand eight hundred and thirty-seven;

"An act to incorporate the Hamburg Bank," passed March ninth, one thousand eight hundred and thirty-seven;

And so much of the act entitled, "An act to incorporate the Bergen Port Company," passed March seventh, one thousand eight hundred and thirty-seven, as confers upon the company incorporated thereby the privilege of banking, be, and the same are hereby severally repealed; *provided always*, that nothing herein contained shall prevent a recovery, by or from any of the said corporations, in legal form, of moneys due and owing (if any) to or from either of them, or to preclude the directors from finally settling the affairs of said corporations, if they have commenced business.

Act, when to
take effect.

Sec. 2. *And be it enacted*, That this act shall go into operation immediately after the passage thereof.

Passed February 22, 1843.

AN ACT respecting poor lunatics and idiots.

Overseers of the
poor to furnish
list of idiots and
lunatics.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the overseers of the poor of the several townships in each and every county in this state, to make out and furnish to the board of chosen freeholders of the county in which said townships are situated, a list of all the poor lunatics and idiots within the bounds of their townships, stating the age of such lunatics or idiots, when such lunacy commenced, what means (if any) they have for support, with all other facts connected with each case, calculated to give information of their actual state and condition.

Lunatics and
idiots, how to
be supported.

Sec. 2. *And be it enacted*, That the said board of chosen freeholders shall, at their annual meeting, cause an examination to be made into the condition and circumstances of such idiots and lunatics; and if it shall appear to them that there is reasonable ground to believe that any of such persons can be restored to their right mind, it shall be their duty to cause such persons, under a warrant, signed by the director of the board,

to be taken to a lunatic asylum in one of the adjoining states of New York or Pennsylvania, and there supported at the expense of such county, for such time as they may deem necessary and expedient for a fair trial to recover such person; *provided* they can be maintained at such asylums at the same rates at which they respectively maintain the pauper lunatics of the several states in which they are situated. Proviso.

Sec. 3. *And be it enacted*, That it shall and may be lawful for such board of chosen freeholders, to appoint a committee of said board to act in the intervals between the fixed and general meetings, if they shall deem it expedient so to do, of such number and with such powers as they shall deem proper. Board of freeholders to appoint committee.

Sec. 4. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed February 22, 1843.

A supplement to the act entitled, "An act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, eighteen hundred and thirty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That, whenever at a meeting of the stockholders of the Hoboken Land and Improvement Company, convened at their office at Hoboken for that purpose, upon ten days' notice, by advertisement in one of the newspapers published in the county of Hudson or Essex, of the time and place, it shall and may be lawful for the stockholders holding seven-eighths of all the stock of the said company, by a resolution, to be adopted at such meeting, to alter and reduce the par value of the shares of the capital stock of the said company from one hundred dollars to thirty dollars, each share. Par value of shares may be reduced.

Passed February 22, 1843.

AN ACT further supplementary to an act entitled, "An act concerning divorces."

Preamble,

WHEREAS doubts have arisen in the construction of the act to which this is a supplement, as to the jurisdiction of the court of chancery in cases of divorce, more definitely provided for by this act—therefore,

Jurisdiction of court of chancery.

Proviso.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act to which this is a supplement, shall be construed so as to give to the court of chancery jurisdiction of all causes of divorce, and of alimony, or maintenance, in cases of desertion, by the said act directed and allowed; *provided* the complainant or defendant shall be a resident of this state at the time of the filing of the bill of complaint, and the complainant or defendant shall have been a resident of this state for the term of five years, during which such desertion shall have continued.

Sec. 2. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Passed February 22, 1843.

A further supplement to the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans court in the several counties of this state."

Proceedings in case of reversal of decree of orphans court by supreme court.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all cases where a decree of any orphans court, on the final settlement or allowance of the accounts of executors, administrators, guardians, or trustees, or any final decree of such orphans court, shall be removed into the supreme court by certiorari, and the said decree shall, by the judgment of the supreme court, be reversed, vacated, or set

aside, it shall and may be lawful for the supreme court to direct their clerk to audit and restate the said accounts, and report the same to the said supreme court for settlement and allowance; and the supreme court may proceed to decree thereon, in the same manner as the said orphans court might have done in case the said accounts or proceedings had not been removed into the supreme court; and the sentence or decree of the supreme court shall have the same force and effect as if the same had been made by the said orphans court; and the said accounts, so restated and allowed by the supreme court, together with a copy of the sentence or decree thereon, shall be thereupon transmitted to the orphans court to which such writ of certiorari may have been directed; which court shall thereupon proceed and enforce, or carry into effect, such judgment, sentence, or decree of the supreme court, in the same manner as if the same had been made and rendered in the said orphans court.

Sec. 2. *And be it enacted*, That if any minor or minors shall become seized or possessed of, or entitled to any real or personal estate in the lifetime of the father of such minor or minors, it shall and may be lawful for the ordinary or surrogate general, or for the orphans court of the county where such minor or minors reside, or such real or personal estate may be, to appoint the father or other suitable person or persons guardian or guardians of the estate of such minor or minors.

Guardian of estate of minors, how appointed.

Sec. 3. *And be it enacted*, That the provisions of the eleventh section of the act to which this is a supplement, shall be construed to extend to all moneys in the hands of executors, administrators, trustees, or guardians, which they are or may be lawfully required to retain, whether the same belong to minors, legatees, or to any other person or persons whomsoever.

Act, when to take effect.

Sec. 4. *And be it enacted*, That this act shall go into effect immediately on the passage thereof.

Passed February 22, 1843.

AN ACT to raise, by tax, the sum of forty thousand dollars.

\$40,000 to be
raised by tax.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state on or before the twentieth day of January, eighteen hundred and forty-four.

Proportions to
be raised by the
several coun-
ties.

SEC. 2. *And be it enacted,* That the said sum of forty thousand dollars shall be paid by the several counties of this state, in the proportion following, that is to say:

The county of Bergen shall pay the sum of thirteen hundred and thirty-four dollars.

The county of Hudson shall pay the sum of eight hundred and twenty dollars.

The county of Essex shall pay the sum of thirty-five hundred and fifty-two dollars.

The county of Passaic shall pay the sum of ten hundred and twenty-four dollars.

The county of Morris shall pay the sum of thirty-one hundred and thirty-six dollars.

The county of Sussex shall pay the sum of twenty hundred and twenty-five dollars.

The county of Warren shall pay the sum of twenty-one hundred and eighty-five dollars.

The county of Hundterdon shall pay the sum of thirty-one hundred and two dollars.

The county of Somerset shall pay the sum of twenty-five hundred and ten dollars.

The county of Middlesex shall pay the sum of twenty-seven hundred and thirty-two dollars.

The county of Monmouth shall pay the sum of thirty-seven hundred and twenty-four dollars.

The county of Burlington shall pay the sum of thirty-eight hundred and ten dollars.

The county of Gloucester shall pay the sum of twenty-nine hundred and twelve dollars.

The county of Cumberland shall pay the sum of fifteen hundred and eighty-six dollars.

The county of Salem shall pay the sum of twenty-one hundred and fifty-six dollars.

The county of Cape May shall pay the sum of six hundred and forty-six dollars.

The county of Atlantic shall pay the sum of four hundred and sixty-six dollars.

The county of Mercer shall pay the sum of twenty-two hundred and eighty dollars.

Sec. 3. *And be it enacted*, That the assessors of the several townships, cities, or boroughs of this state, to raise the aforesaid sum of forty thousand dollars, shall assess and rate the several articles and things hereinafter enumerated at the following sums:

Enumeration of
articles taxed at
specific sums.

Every covering horse or jack, above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse or jack is kept; all other horses or mules, three years old and upwards, any sum not exceeding eight cents.

All neat cattle, three years old and upwards, any sum not exceeding four cents.

Sec. 4. *And be it enacted*, That, in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things shall be rated and valued at the discretion of the assessors, to wit:

All tracts of land of more than twenty acres, at any sum not exceeding one hundred dollars by the hundred acres; and all houses and lots of land of twenty acres and under, connected therewith, and all lots of land of twenty acres and under, not connected with houses, shall be valued by the respective assessors at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent or value of the same, as near as may be, according to the scale by which they shall rate lands in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men), the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars, over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, auctioneers, and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomeries that work bar-iron, immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, any sum not exceeding three dollars for each engine.

All snuff mills, any sum not exceeding nine dollars.

All starch factories, any sum not exceeding ten dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or oil presses, any sum not exceeding nine dollars.

All bark mills, propelled by water or steam, for grinding bark for sale, any sum not exceeding ten dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries used for distilling spirits from rye or other grain, or molasses or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries used for distilling, any sum not exceeding thirty dollars, having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage wagon, any sum not exceeding five dollars.

Every two-horse stage wagon, any sum not exceeding two dollars and fifty cents.

Every covered riding wagon, any sum not exceeding seventy-five cents.

Every two-horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars and fifty cents.

Every glass or porcelain manufactory, where glass or porcelain ware is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and fifty cents, over and above the certainties made ratable by this act; if any single man be a householder, he shall be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be construed to subject any species of property to be taxed more than once; and that no property herein specifically mentioned as taxable, shall be subject to a tax as real estate.

Tax of single men.

Proviso.

Sec. 5. *And be it enacted*, That it shall be the duty of the assessors to assess all manufacturers, millers, lumber, wood, coal, and other merchants, of whatever kind not hereinbefore mentioned, according to the extent of their operations and the capital employed, as other certainties named in this act are taxed.

Manufacturers, &c., not herein specified, how to be taxed.

Sec. 6. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and that the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Duty of assessor.

Sec. 7. *And be it enacted*, That the said sum of forty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before mentioned acts.

Manner of assessing, levying, and collecting.

Fees of officers.

Act, when to
take effect.

Sec. 8. *And be it enacted*, That this act shall go into operation, and be in full force, immediately after the passage thereof.

Passed February 22, 1843.

AN ACT to authorize repairs to the New Jersey state arsenal.

Repairs to arsenal
authorized.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the quartermaster general be, and he is hereby authorized to make such alterations, improvements, and repairs to the New Jersey state arsenal, for the preservation of the arms, ordnance, and accoutrements, as in his opinion may be deemed necessary; and that the treasurer pay the same out of any moneys in the treasury, not otherwise appropriated, upon certificate of the commander-in-chief, provided the amount shall not exceed three hundred dollars.

Passed February 22, 1843.

A further supplement to an act entitled, "An act to secure to creditors an equal and just division of the estates of debtors, who convey to assignees for the benefit of creditors," passed the twenty-third of February, eighteen hundred and twenty.

Orphans court
may direct assignee to give
further security.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever the security given by any assignee, under and by virtue of the third section of the act to which this is a supplement, shall be insufficient at the time of

giving the same, or shall afterwards become insufficient, then it shall be the duty of the orphans court of the county in which the assignor resided at the time of making the assignment, to order and direct such assignee to give such further or other security to the ordinary, by bond in the usual form, as to the said court, after hearing the objection of creditors or persons concerned, shall seem proper; and if it should appear, upon examination, that any assignee hath embezzled, wasted, or misapplied all or any part of the estate assigned to him, or shall neglect or refuse to give such additional security as may be ordered, then and in every such case, the said court shall proceed to remove said assignee, and appoint some suitable person or persons in his stead, to fulfil the trusts contained in the deed of assignment, who shall give bond, with security, in manner aforesaid, and shall thereupon have all the power and authority of the said assignee under the deed of assignment, and be subject to the same duties and liabilities; and the assignee so appointed by the orphans court shall have actions of trover, detinue, or on the case, for such goods, chattels, or moneys as came to the possession of the assignee so removed as aforesaid, and shall be retained, wasted, embezzled, withheld, or misapplied, and no satisfaction made for the same.

Proceedings in case of refusal to give further security.

Sec. 2. *And be it enacted*, That this act shall go into operation immediately after the passage thereof.

Act, when to take effect.

Passed February 22, 1843.

AN ACT to divorce Stephen Budd from his wife Susan Elizabeth Budd.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Stephen Budd, of the county of Morris, be, and he is hereby divorced from his wife Susan Elizabeth Budd, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

S. Budd divorced from his wife.

Passed February 23, 1843.

AN ACT to authorize James S. Springer, guardian of Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, to release their right to certain real estate.

Preamble.

WHEREAS Joseph Moore and Mary his wife, late of the county of Salem, in their lifetime, made an agreement with "the Trustees of the Methodist Episcopal Church of the township of Upper Penns Neck," in said county, to convey to the said trustees, in their corporate capacity, and their successors, in fee-simple, a certain lot of land, situate in said township, and bounded as follows: beginning in the road leading from Pedricktown to Perkindtown, and runs, first, south, seventy degrees east, three chains and seventy-five links; thence, second, south, twenty degrees west, two chains and seventy links; thence, third, north, seventy degrees west, three chains and seventy-five links, to the said road; thence, along the same, fourth, north, twenty degrees east, two chains and seventy links, to the place of beginning, containing one acre, for the purpose of a cemetery;—and whereas, in consequence of said agreement, the said trustees took possession of said lot of land, and laid the same out as a cemetery;—and whereas the said lot has been since used as a place of burial, and numerous interments of deceased persons have been made therein;—and whereas the said Joseph Moore and Mary his wife, since making the said agreement, have departed this life without executing a deed for said lot of land, so that the legal title thereto is now vested in Rebecca Dolbow, the wife of George Dolbow, Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, the children and heirs-at-law of the said Mary Moore, deceased, four of whom, that is to say, Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, are minors;—and whereas, in consequence of the minority of the said heirs, no legal conveyance for said lot of land can be now made; and the trustees, the said George Dolbow and Rebecca his wife, and James S. Springer, the guardians of the four minor children, have, by their petition, prayed legislative aid in the premises; and the said petition appearing to be reasonable—therefore,

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That James S. Springer, guardian of Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, be, and he is hereby authorized and empowered to execute a release to the said "the Trustees of the Methodist Episcopal

J. S. Springer
authorized to
release certain
real estate.

Church of the township of Upper Penns Neck," in the county of Salem, and their successors, of all the right, title, and interest that the said Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, or either of them, now have in and to the heretofore described lot of land.

Passed February 23, 1843.

AN ACT to authorize the inhabitants of the township of Morris, in the county of Morris, to vote by ballot at their town meetings.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the inhabitants of the township of Morris, in the county of Morris, who are or shall be entitled to vote at town meetings, shall, at their town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect at such town meetings, determine the amount of money to be raised for such purposes as are or may be authorized by law, and also the amount of tax to be levied upon dogs, the sum to be allowed, per day, for labour upon roads, and appoint the place or places for holding their town meetings and election for state and county officers, by ballot, and not otherwise; and at their next annual town meeting, to be held after the passing of this act, the number of assessors, collectors, constables, and other township officers to be then elected by them, shall be the same as were elected at their last annual town meeting; and shall also, at the same time and in the same manner, determine how many assessors, collectors, constables, overseers of the poor, pound-keepers, and other township officers, the number of which is not fixed by law, shall be chosen for said township at the ensuing annual town meeting.

Elections, &c., in Morris township to be by ballot.

Sec. 2. *And be it enacted*, That Richard W. Stites, Isaac Bird, and Theodore Johnes, of the said township, shall be the board of election at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor, and collector, of each year, shall constitute a board of election for the succeeding annual town meeting and all special town meetings that may be held during the year; and the said board shall be empowered to determine who are by

Board of election, how constituted.

law entitled to vote at such meetings, and shall be vested with the same powers, be liable to the same penalties, and governed by the same rules in conducting the election at such meetings, as at the annual county or state election, so far as the same are applicable; and if at any such annual town meeting, two or more assessors or collectors are to be chosen, the voters at such election shall, upon their ballots, designate which of the persons so chosen shall act as one of the judges of election; and only the assessor and collector so designated shall be deemed and taken to be members of the board of election within the meaning of this act.

Vacancies in
board of elec-
tion, how sup-
plied.

Sec. 3. *And be it enacted*, That in case of the absence, inability, or neglect to serve, of any one or more of the said board of election, the other or others shall fill such vacancy or vacancies; and in case of the absence, inability, or neglect of all of said board to serve, the lawful voters present at the opening of the poll shall elect, viva voce, persons, being lawful voters in said township, to fill such vacancies during such election; and that the township clerk shall be clerk of such election; and in case of his absence, inability, or neglect to serve, the board of election shall choose a clerk to serve during such election; and that the clerk of election shall take an oath or affirmation, to be administered by one of the board of election, faithfully and impartially to perform his duties therein.

Oath of mem-
bers of board of
election.

Sec. 4. *And be it enacted*, That previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each of the members of the board of election:

"You do swear, (or affirm) that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you shall challenge and refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein."

Mode of con-
ducting elec-
tion.

Sec. 5. *And be it enacted*, That the poll shall open at nine o'clock in the forenoon, and close at seven in the afternoon, on the day appointed by law for holding the annual town meeting, at the house now occupied by Charles Colbath, innkeeper in Morristown, at which place the next annual meeting of the inhabitants of said township shall be held; and that immediately upon the closing of the poll, the board of election and clerk shall, without adjournment or delay, proceed in an open and public manner to count the votes given, and determine the result of said election, which shall be recorded by the clerk in the minutes of said town meeting; which record shall be

signed by said board of election, or a majority of them, and by the said clerk.

Sec. 6. *And be it enacted*, That the board of election may, at their discretion, adjourn such election, at any proper time between the opening and closing of the polls, for a space of time not exceeding one hour. Election may be adjourned.

Sec. 7. *And be it enacted*, That a plurality of votes shall be sufficient to elect all officers, and decide all other matters which are herein directed to be decided by ballot, except the amount of moneys to be raised; and in case a majority of voters at any such town meeting shall decide to raise money for any purpose authorized by law, but a majority of them shall not vote for the same sum or amount, it shall be the duty of the township committee to fix and determine the amount to be raised for that purpose, which amount shall not be more than the highest, nor less than the least sum so voted for; and the said committee shall declare their determination in writing, and transmit the same to the township clerk, who shall enter the same in the book in which shall be kept the minutes of the town meetings of said township. Plurality of votes to determine.

Sec. 8. *And be it enacted*, That in case of a tie between two candidates for the same office, or between two sums of money voted for, or in any other matter, the township committee shall decide; and in case of neglect or failure to elect any officer authorized by law, and in case of neglect or inability to serve on the part of any officer elected, the said committee shall, by writing under their hands and seals, appoint a person to fill the vacancy, or shall order a new election, at their discretion; and in case they shall fill such vacancy by their own appointment, they shall give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed, of his appointment, within five days after making the same; and also, within that time, transmit an account of such appointments to the clerk of the court of common pleas of said county. Ties, how determined.

Sec. 9. *And be it enacted*, That it shall be the duty of the township committee to meet, at least twelve days before the day of town meeting, and prepare a report, as now directed by law; and it shall be the duty of said township clerk to attend said meeting of the committee, and to cause said report to be published, at least six days prior to the next town meeting, in a newspaper circulating in said township. Vacancies, how supplied.

Sec. 10. *And be it enacted*, That the school committee shall also publish such reports as they are now required by law to make, in a newspaper circulating in the township, at least six days before the annual town meeting, and that the expenses of such publication shall be defrayed by the township. Township committee to prepare report.

School committee to publish report.

Officers not disqualified by being candidates.

Sec. 11. *And be it enacted*, That none of the said board of election, or clerk, shall be incompetent to act, by reason of his being a candidate for any office to be voted for at such township election.

Act, when to take effect.

Sec. 12. *And be it enacted*, That this act shall go into operation immediately after its passage.

Passed February 23, 1843.

AN ACT to authorize the inhabitants of the township of Dennis, in the county of Cape May, to vote by ballot at their annual town meetings.

Elections, &c., in Dennis township to be by ballot.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the inhabitants of the township of Dennis, in the county of Cape May, who are or shall be entitled to vote at town meetings, shall, at their town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect at their town meetings, determine the amount of money to be raised for such purposes as are or may be authorized by law, and also determine the place or places for holding their town meeting and elections for state and county officers, by ballot, and not otherwise.

Board of election, how constituted.

Sec. 2. *And be it enacted*, That the judge of election, assessor, and collector, of the year eighteen hundred and forty-two, shall be the board of election at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor, and collector, of each year, shall constitute a board of election for the succeeding annual town meeting, and all special town meetings that may be held during the year; and the said board, of which the said judge shall be chairman, shall be empowered to determine who are by law entitled to vote at such town meetings, and shall be invested with the same powers, be liable to the same penalties, and governed by the same rules, in conducting the election at such meeting as at the annual state and county elections, so far as the same are applicable.

Sec. 3. *And be it enacted*, That in case of the absence, inability, or neglect to serve, of any member of the board of election, the lawful voters present at the opening of the poll shall elect, viva voce, a person or persons, being a freeholder and lawful voter or voters in such township, to fill such vacancy or vacancies during such election, and that the township clerk shall be clerk of such election; and in case of his absence, inability, or neglect to serve, the board of election shall choose a clerk to serve during such election; and that the clerk of election shall take an oath or affirmation, to be administered by one of the board of election, faithfully and impartially to perform his duties therein.

Vacancies in board of election, how supplied.

Sec. 4. *And be it enacted*, That previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each member of the board of election:

"You do swear, (or affirm) that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge and refuse to receive the same, unless you shall be fully satisfied that he is legally entitled to vote therein."

Oath of members of board of election.

Sec. 5. *And be it enacted*, That the poll shall open at ten, and close at four o'clock in the afternoon, at the place appointed for holding the annual town meeting, and that, immediately upon the closing of the poll, the board of election and clerk shall, without adjournment or delay, proceed in an open and public manner to count the votes given, and determine the result of said election; which shall be recorded by the clerk in the minutes of said town meeting, which record shall be signed by said board of election, or a majority of them, and by said clerk.

Mode of conducting election.

Sec. 6. *And be it enacted*, That the board of election may, at their discretion, adjourn such election, at any proper time between the opening and closing of the polls, for a space of time not exceeding one half hour.

Election may be adjourned.

Sec. 7. *And be it enacted*, That a plurality of the votes cast shall be sufficient to elect any and all officers voted for, and determine all other matters which are herein directed to be decided by ballot.

Plurality of votes to determine.

Sec. 8. *And be it enacted*, That in case of a tie between two candidates for the same office, or between two sums of money voted for, or in any other matter, the township committee, or a majority of them, shall decide; and in case of a neglect or

Ties, how determined.

Vacancies, how
supplied.

inability to serve, on the part of any officer elected, the said committee, or a majority of them, shall, by writing under their hands and seals, appoint a person to fill the vacancy; and in case they shall fill such vacancy by their own appointment, they shall give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed of his appointment, within five days after making the same; and also, within that time, transmit an account of such appointment to the clerk of the court of common pleas of said county.

Sec. 9. *And be it enacted*, That any matters which by neglect or failure shall not be determined upon, and which by law said town meeting is empowered to determine, shall be decided by the township committee or a majority of them; and they shall declare their determination, by resolution, upon any such matter, and have the same entered on the town book in which the minutes of the town meeting shall have been kept.

Compensation
to officers.

Sec. 10. *And be it enacted*, That the officers of the board of election and the clerk shall be allowed, for their services in attending every such election, the sum of one dollar, each, to be paid by the township committee out of the funds of the said township; and no officer shall be incompetent to act by reason of his being a candidate for any office to be voted for at such election.

Township com-
mittee to pre-
pare report.

Sec. 11. *And be it enacted*, That it shall be the duty of the township committee to meet before the day of town meeting, and all future town meetings, and prepare a report, as now directed by law; and it shall be the duty of the clerk to attend said meeting of the committee, and to cause said report to be put up, prior to the next town meeting, in hand-bills set up in three or more public places in said township, as said committee may direct; and for which services said clerk shall receive such compensation as the said committee shall determine.

Act, when to
take effect.

Sec. 12. *And be it enacted*, That this act shall go into operation immediately after its passage.

Passed February 23, 1843.

AN ACT to authorize the sale of the real estate of Jonathan Beach, deceased, late of the county of Essex.

WHEREAS the widow and children of Jonathan Beach, deceased, late of the township of Caldwell, in the county of Essex, have represented to the legislature that the said Jonathan Beach, in and by his last will and testament, gave to his wife the use and occupation of his homestead farm, as long as she should continue his widow, and directed that all his out lands, lying partly in the county of Essex, and partly in that part of the county of Bergen which has since been erected into the county of Passaic, should be sold, as soon as might be, without making a sacrifice of the same; that one-third of the proceeds arising from such sale should be safely invested, and the interest thereof paid, annually, to his said wife, during her natural life, and that the remainder thereof, after payment of debts and legacies, should be equally divided among his seven children; and that his daughter, Mary Davenport, should have the use of her share during her life, and that at her death it should go to her children, to be equally divided when they should come of age; and also directed that, at the decease of his wife, his homestead farm should also be sold, and the proceeds applied and disposed of in the same manner as those of his out lands; that the said testator died seized of other lands and real estate in the counties of Essex and Passaic, which he acquired after the making of his said last will and testament; that one of the children of the said testator has died intestate and without issue, and another of the said children is now under age; and that there are doubts whether the executors are authorized or empowered by the said will to make sale of the said real estate, and have prayed the aid of the legislature in the premises—therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Munn, of the township of Bloomfield, in the county of Essex, and Stephen I. Gould, of the township of Caldwell, in said county, be, and they hereby are appointed trustees, with full power and authority to sell all the lands and real estate of which the said Jonathan Beach died seized, at such time or times, and in such manner, as they shall deem most for the benefit of the persons interested therein; *provided always*, that no part of the homestead farm of the said Jonathan Beach shall be sold without the written consent of his widow, during the continuance of her widowhood; and that

Trustees authorized to sell real estate.

the said trustees shall make report, in writing, of every such sale to the orphans court of the county in which the real estate sold is situate, at its next stated term thereafter, for confirmation; and if such sale be confirmed by the said court, the said trustees, or the survivor of them, shall and may execute and deliver to the purchaser or purchasers a deed or deeds for the real estate so sold, which shall transfer to and vest in the said purchaser or purchasers all the right, title, and interest of the said Jonathan Beach, at the time of his death, of, in, and to the real estate so sold and conveyed.

Trustees to enter into bond to the governor.

To exhibit account of sales.

Sec. 2. *And be it enacted*, That the said trustees, before they enter upon the execution of the trust hereby reposed in them, shall enter into bond to the governor of this state, in such sum and with such sureties as the surrogate of the county of Essex shall direct and approve, conditioned for the faithful performance of the said trust, which bond shall be filed in the office of the said surrogate; and that they shall, within six months after the sale of any part of the said real estate shall be completed, exhibit, under oath or affirmation, to the orphans court of the county in which the real estate sold is situate, a just and true account of the said sale, and of the costs, charges, and expense thereof, which account the said court shall examine, adjust, and settle, and the same shall then be filed in the office of the surrogate of the said county; and the said court shall also determine and allow the compensation of the said trustees for the execution of the trust reposed in them by this act, so far as relates to the real estate so sold.

Proceeds of sales, how to be disposed of.

Sec. 3. *And be it enacted*, That it shall be the duty of the said trustees, or the survivor of them, to invest or keep at interest, on good and sufficient security, one equal third part of the net proceeds arising from the sale of the said real estate, after deducting the costs, charges, expenses, and compensation aforesaid, and to pay the income or interest thence arising, annually, to the widow of the said Jonathan Beach, during her natural life; and in like manner to invest or keep at interest, on good and sufficient security, the one equal ninth part of said net proceeds, and pay the income or interest thence arising, annually, or oftener, to the said Mary Davenport, during her natural life, and, after her decease, to pay to each of her children his or her equal share of such income or interest, until he or she shall attain to the age of twenty-one years, and to then pay to him or her his or her equal share of the principal, and to divide the residue of the said net proceeds equally among the other five children of the said testator, according to and in pursuance of the provisions of the said last will and testament; and, upon the death of the widow of the said Jonathan Beach, to dispose of and apply the one-third part of said net

proceeds, directed to be invested or kept at interest for her use, in the same manner as the other two-thirds thereof are herein directed to be disposed of and applied; *provided always*, Proviso. that if the homestead farm of the said Jonathan Beach shall be sold with the consent of his widow, the whole of the net proceeds arising from the sale thereof, shall be invested or kept at interest, and the income or interest thence arising shall be paid to the said widow, or to such person as she shall direct, during her widowhood.

Passed February 22, 1843.

A supplement to the act entitled, "An act directing bills of exceptions to be sealed," passed the seventh day of March, seventeen hundred and ninety-seven.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whenever any bill or bills of exceptions shall have been duly prayed and sealed, upon the trial of any issue or issues out of the supreme court, at any circuit court hereafter to be held in this state, it shall and may be lawful for the party who has prayed such bill or bills, to move, at the bar of the supreme court, for a new trial upon any matters of law mentioned or contained in, or arising upon the said bill or bills of exception, without being required to waive or relinquish such bill or bills; and if, after argument at the bar of the supreme court, a new trial shall be refused by that court, on the grounds mentioned or contained in such bill or bills of exception, or upon the matters of law arising thereon, the party having such bill or bills of exception shall have the benefit of such exceptions upon a writ of error, in the same manner as he might have had if no application had been made to the supreme court for a new trial upon the matters mentioned or contained in such bill or bills of exception.

Bills of exceptions not to be waived or relinquished on application for new trial.

Sec. 2. And be it enacted, That this act shall take effect and be in force immediately after the passage hereof.

Act, when to take effect.

Passed February 23, 1843.

AN ACT to divorce Sarah Tomlinson from her husband David B. Tomlinson.

S. Tomlinson
and D. B. Tom-
linson divorced.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Sarah Tomlinson, of the county of Salem, be, and she is hereby divorced from her husband David B. Tomlinson, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved; *provided however*, that nothing herein contained shall be construed or taken to render the issue of said marriage illegitimate.

Passed February 23, 1843.

A further supplement to an act entitled, "An act to regulate elections."

Preamble.

WHEREAS the act to which this is a supplement is, by the inspectors of elections in various parts of this state, differently construed with respect to the tax necessary to be paid to entitle persons to vote at such elections—therefore,

Amount of tax
to be paid.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That so much of the law as relates to the tax required to be paid by persons offering to vote, shall be so construed as to mean the whole tax assessed against such person, in the ward, township, or borough where such person resides at the time of the assessment of such tax, except the road tax, in those townships where it is separately assessed.

Passed February 23, 1843.

AN ACT to divorce Eliza Codington from her husband Benjamin Codington.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Eliza Codington, of the county of Somerset, *E. and B. Codington divorced.* be, and she is hereby divorced from her husband Benjamin Codington, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

Passed February 23, 1843.

AN ACT to authorize the administrators of James Stoy, deceased, to convey real estate.

WHEREAS it is represented to the legislature that Daniel R. Stoy was a joint purchaser with Joshua B. Fennimore and James Stoy, late of the county of Gloucester, deceased, of certain lands, particularly mentioned and described in a deed of conveyance bearing date on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, from Solomon S. Chester and Ruth E. Chester, his wife, to the said Joshua B. Fennimore and the said James Stoy, deceased; and was also a joint purchaser with the said Joshua B. Fennimore and the said James Stoy, deceased, in certain other lands, particularly described in a deed of conveyance bearing date on the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and thirty-seven, from Thomas Bee, acting executor of Charles Wilkins, deceased, the said Daniel R. Stoy having paid one-third of the purchase money; and the said conveyances having been made to the said Joshua B. Fennimore and James Stoy, for the use of themselves and the said Daniel R. Stoy; and the said Joshua B. Fennimore and James Stoy having neglected, during the lifetime of the said James Stoy, to convey to the said Daniel R. Stoy;—and whereas the said James Stoy, deceased, did, on the twenty-fifth day of January, in the year of our

Preamble.

Lord one thousand eight hundred and forty-one, contract with James Dobbs for the sale and conveyance of a certain house and lot, situate in the township of Newton, in the county of Gloucester, containing two acres, more or less, and described in a deed of conveyance from Joseph Farrow and Hester his wife to the said James Stoy, bearing date on the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and thirty-seven; and the said James Dobbs hath the possession of said house and lot, and hath greatly improved the same;—and whereas the said James Stoy did, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and forty, enter into a contract with William Jackson for the sale of a certain lot of land, situate in the township of Union, in said county of Gloucester, containing five acres and thirty-five hundredths of an acre; and, in pursuance of such contract, the said William Jackson hath paid a part of the purchase money, and hath improved the said lot of land and premises, and erected a comfortable dwelling-house thereon;—and whereas the said James Stoy, on the said seventeenth day of October, in the year of our Lord one thousand eight hundred and forty, entered into a contract with John Fossett for the sale of a certain lot of land, situate in the said township of Union, adjoining the above lot, containing four acres, more or less, on which said contract the said John Fossett hath paid a part of the purchase money, and improved the same; and the said James Stoy having prepared deeds of conveyance from himself and Margaret his wife to the said William Jackson and the said John Fossett, but departed this life before the execution thereof;—and whereas it is further represented to the legislature, that it will be to the interest of all parties concerned that conveyances should be made in pursuance of the agreements and contracts of the said James Stoy, deceased, who has left children under the age of twenty-one years; and the said Daniel R. Stoy, James Dobbs, William Jackson, and John Fossett having, by their memorial, prayed the aid of the legislature in the premises, and the same appearing to be reasonable and just—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Jacob L. Rowand and Joseph C. Stoy, administrators of the said James Stoy, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said Daniel R. Stoy a good and sufficient title for one-sixth part of the said premises, purchased jointly by

Administrators
authorized to
convey real es-
tate.

the said Joshua B. Fennimore, James Stoy, and Daniel R. Stoy.

Sec. 2. *And be it enacted*, That the said administrators be, and they are hereby authorized and empowered to make, execute, and deliver good and sufficient deeds of conveyance to the said James Dobbs, William Jackson, and John Fossett, for the several tracts of land and premises before mentioned, upon their compliance with the terms and conditions of the original contracts of sale; and the conveyances made by the said administrators shall have the same force and effect as though they were executed and delivered by the said James Stoy in his lifetime.

To make good
and sufficient
deeds, &c.

Passed February 23, 1843.

AN ACT to divorce Mary Ackerson from her husband Daniel Ackerson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Mary Ackerson, of Sussex county, be, and she is hereby divorced from her husband Daniel Ackerson, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

M. and D. Ack-
erson divorced.

Passed February 23, 1843.

AN ACT to incorporate the Mercer Cemetery at Trenton.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Charles C. Yard, Joseph C. Potts, Samuel

Names of cor-
porators.

Style of incorporation.

Powers and privileges.

Lloyd, Alexander H. Armour, David Witherup, Joseph A. Yard, and their associates, and all and every the persons who now are or may hereafter become members of the association, styled the Mercer Cemetery at Trenton, and their successors, shall be, and they are hereby created and declared a body corporate, by the name and style of "the Mercer Cemetery at Trenton," and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of lands, not exceeding five acres; to sue and be sued, plead and be impleaded, in any court of law or elsewhere; to ordain, pass, and put into execution all such by-laws, rules, and regulations, not contrary to the constitution and laws of the United States or of this state, or to this act, as shall be necessary and convenient for carrying into effect the object of the association; and generally to do all and singular the matters and things which shall lawfully appertain to them to do for the improvement and ornament of the grounds, and the due management and regulation of the affairs thereof.

Affairs to be conducted by five managers.

Sec. 2. *And be it enacted*, That the affairs of the association shall be under the control of five managers, to be elected from among and by the members, in such manner and at such times as the by-laws made in pursuance of this act shall specify, the first election to take place on the first Monday in April next.

Passed February 23, 1843.

AN ACT

AN ACT to authorize the sale of certain real estate, formerly of Josiah Congar, deceased.

Preamble.

WHEREAS it is represented to the legislature that Josiah Congar and Elizabeth his wife, during their lifetime, did convey to two of their grandchildren, viz: Josiah C. Miller and Elizabeth C. Miller, by deed, a lot of land containing thirty feet six inches front on Court-street, in the city of Newark, and seventy-six feet deep, which, by reference to said deed will more fully appear, bearing date December, one thousand eight hundred and twenty-four; and that the said Josiah C. Miller has intermarried with Emeline Gibbs, of Connecticut, and is of full age, and that the said Elizabeth C. Miller, hav-

ing intermarried with John B. Dean, has recently deceased, leaving an infant child, named Mary Elizabeth Dean, under the care of her surviving father;—and whereas the afore-said lot of land is entirely unproductive, and the same can now be advantageously sold, if a good title in fee-simple can be made to the purchaser, and that it is for the interest of all parties concerned that the same should be so sold and conveyed at this time—therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Abraham Miller, of the city of Newark, in the county of Essex, be, and he is hereby appointed trustee, with full power and authority to sell, at public or private sale, for the highest price that can be obtained for the same, the afore mentioned lot of land, and to make, execute, and deliver, to the purchaser or purchasers thereof, a good and sufficient deed of conveyance for the same; which deed of conveyance shall vest in the purchaser or purchasers thereof, all the estate, right, and title in and to the same, which Josiah C. Miller now has, and which John B. Dean and Elizabeth his wife had during the lifetime of the said Elizabeth.

Trustee authorized to sell real estate.

Interest vested in purchaser.

Sec. 2. And be it enacted, That after the sale of the said lot of land, the said trustee shall, after deducting reasonable expenses, pay one half of the proceeds of said sale to Josiah C. Miller, and the other half thereof to John B. Dean, to be expended in the maintenance and support of Mary Elizabeth Dean, the infant child of Elizabeth C. Miller aforesaid.

Proceeds of sale, how to be disposed of.

Sec. 3. And be it enacted, That the said Abraham Miller, before he proceed to exercise the power and authority vested in him by this act, shall enter into bond to the ordinary of this state, in the penal sum of two hundred and fifty dollars, with one or more sureties, to be approved by the surrogate of the county of Essex, conditioned for the faithful performance of the trust reposed in the said Abraham Miller by this act; and that he will well and truly apply the moneys arising from the sale of said lot of land in the manner herein directed; and the said bond shall be filed in the office of the said surrogate, and shall be good to all intents and purposes, and pleadable in any court of justice; and if the same become forfeited, it shall be lawful for the ordinary to cause the same to be prosecuted at the request and for the benefit, and at the cost, of any person or persons aggrieved by such forfeiture.

Trustee to give bond.

Passed February 23, 1843.

AN ACT to authorize Squire Terrell and William D. Stewart, trustees, &c., to deliver up, to be cancelled, a certain note, or bond, therein named.

Preamble.

WHEREAS it has been represented to the legislature, by the petition of Sarah Smith, widow of Cornelius Smith, late of Somerset county, deceased, and guardian of the minor children of said Cornelius Smith, and Nathaniel Pennington and James Pennington, surviving executors of John Pennington, deceased, that the said Cornelius Smith died seized of a farm, of about one hundred and nineteen acres of land, in the township of Warren, in the county of Somerset, leaving a widow and four infant children; and that on the tenth day of November, eighteen hundred and thirty-five, the legislature of this state passed an act authorizing Squire Terrell and William D. Stewart to sell and dispose of said real estate; and, among other things, directed them to pay, under the direction of the orphans court, so much of the interest and principal of two-thirds of the net proceeds thereof, as should be necessary for the support and education of said minor children, and to place one-third thereof at interest, for the benefit of the widow; and that said Squire Terrell and William D. Stewart did sell said real estate, and have, under the direction of the orphans court, paid to Sarah Smith, guardian of said children, all the two-thirds of the net proceeds of sale; and on the twelfth day of May, eighteen hundred and thirty-seven, placed the one-third, amounting to four hundred and twenty-six dollars and eight cents, on interest, to John Pennington, since deceased, for the benefit of the widow; the said Sarah Smith afterwards purchased a house and lot of land, of thirty-nine acres, in Warren township aforesaid, which was on the seventeenth day of June, eighteen hundred and thirty-seven, by deed, conveyed by James Pennington and wife to said Sarah Smith and Jane, Nathaniel A., John, and Norman, children of said Cornelius Smith, which was recorded in Somerset clerk's office, in book U of deeds, June twentieth, eighteen hundred and thirty-eight, page 591 and 592; that said John Pennington, father of the said Sarah Smith, believing it to be an advantageous investment of the money, paid to James Pennington the consideration therefor, being two hundred and fifty dollars; and also, that said John Pennington furnished said Sarah Smith, and paid for the support and education of said minor children, seventy-eight dollars, with eighteen dollars of interest, as per his account, allowed by the orphans court of the county of Somerset, in the term of

June, eighteen hundred and thirty-eight, amounting to three hundred and forty-six dollars and forty-six cents; and, also, that said John Pennington has since furnished and paid the said Sarah, guardian as aforesaid, for the support and education of said minor children, the further sum of eighty dollars, (and more) amounting altogether to four hundred and twenty-six dollars and eight cents, being the full amount of said fund; and now, although the said John Pennington has paid the full amount of said note for the support and education of said minor children, yet the said Squire Terrell and William D. Stewart do not consider themselves justified in delivering up said bond of four hundred and twenty-six dollars and eight cents, to the executors of said John Pennington, have prayed that the legislature pass an act authorizing the said trustees to deliver over the bond aforesaid to the executors, &c., of John Pennington, and that they be hereafter discharged from any future liability—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Squire Terrell and William D. Stewart be, and they hereby are authorized to deliver over to Nathaniel Pennington and James Pennington, surviving executors of John Pennington, deceased, a certain note, or bond, given to said Squire Terrell and William D. Stewart, trustees, &c., of the widow and heirs of Cornelius Smith, deceased, by John Pennington, for four hundred and twenty-six dollars and eight cents, dated May twelfth, eighteen hundred and thirty-seven, being for the amount of money in their care, received by virtue of an act of the legislature of New Jersey, passed November tenth, eighteen hundred and thirty-five, and retained by them for use of the widow and heirs of Cornelius Smith, deceased; *provided*, that before the said certain note, or bond, shall be delivered over, as aforesaid, the said Sarah Smith shall, by proper legal conveyances, secure to her said children the title, in fee-simple, to the said house and lot of land, subject to the life estate of her, the said Sarah, therein.

Trustees authorized to deliver over certain bond.

Proviso.

Sec. 2. *And be it enacted*, That when the said Squire Terrell and William D. Stewart shall have delivered over said note, or bond, to the executors of John Pennington, deceased, agreeable to the directions of the first section of this act, that then the said Squire Terrell and William D. Stewart shall be, and hereby are hereafter for ever fully discharged from any future liability, either to the said Sarah Smith, for the yearly interest thereof, as also to the minor children and heirs of said Cornelius Smith, wherein they were accountable by virtue of the act aforesaid.

Trustees discharged from future liability, on delivery of bond.

Passed February 23, 1843.

AN ACT to defray incidental expenses.

Certain incidental charges directed to be paid.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this state to pay, to the several persons hereinafter named, the following sums, viz:

1. To Jonathan S. Fish, for coal furnished for council chamber, sixty dollars.
2. To W. A. and A. B. Green, for Beaver Meadow coal for assembly room, twenty-four dollars.
3. To John B. Boling, for repairs to government house, state house, supreme court room and office, eight dollars and fifty cents.
4. To Alexander G. Cattell, for stationery, sixty-seven dollars and fifty cents.
5. To James T. Sherman, for twenty copies of Sitgreaves' Manual, at one dollar and fifty cents each, thirty dollars.
6. To Jonathan Cook, for horse and carriage hire to state prison committee, seven dollars.
7. To William Robertson, for thirty pounds of candles, nine dollars.
8. To Jonathan S. Fish, for coal for assembly room, twenty dollars.
9. To Justice and Mills, for publishing laws of the state in the Emporium and True American, twenty-four dollars and thirty-seven and a half cents.
10. To Charles Scott, for stationery, twenty-three dollars and eighty-seven cents.
11. To Joseph Justice, for stationery for court of errors and Council, one hundred and fifty-one dollars and seventy-eight cents.
12. To Charles Scott, for stationery, &c., twenty-seven dollars and ninety cents.
13. To William Briest, for keeping council chamber and committee rooms, thirty dollars; and for removing coal in cellar, one dollar and fifty cents.
14. To Samuel R. Hamilton, esq., for freight and portorage for arsenal, eleven dollars and fifteen cents.
15. To Daniel D. Britton, for care of assembly room, &c., forty-four dollars and seven cents.
16. To Charles Scott, for stationery, eight dollars and fifty-four cents.
17. To Phillips and Boswell, for printing, twenty-six dollars.
18. To Charles Reeves, for carting for arsenal, five dollars.

19. To Hogan and Thompson, for blank books for supreme court, twenty-four dollars and fifty cents.

20. To Charles Scott, for stationery, twenty dollars and seventy-five cents.

21. To William S. Briest, for horse hire to state prison, one dollar.

22. To Biles and Titus, for repairs to state library, one dollar and ninety cents.

23. To Eli Morris, for blank books and stationery for supreme court room, thirty dollars.

24. To Union Transportation Line, three dollars.

25. To Samuel R. Hamilton, esq., for transportation of arms, three dollars.

26. To Jonathan S. Fish, for coal for state arsenal, twelve dollars.

27. To Charles Scott, for binding &c., for state library, one dollar and twelve and a half cents.

28. To J. R. S. and W. S. Barnes, for stationery, locks, screws, &c., (by E. Morris, esq.) five dollars and eighty-two cents.

29. To Charles Scott, for stationery for supreme court, (by Eli Morris, esq., (late clerk) seven dollars and forty-eight cents.

30. To Charles Scott, for blank books, stationery, &c., (secretary of state's office) twelve dollars.

31. To Dilworth and Branson, for stationery, twenty-seven dollars.

32. To Blackfan and Wilkinson, for repairs to government house, twenty-nine dollars and fifty-seven cents.

33. To Smith and Howell, for repairs to fence, offices, &c., twenty-seven dollars and nine cents.

34. To Blackfan and Wilkinson, for lumber, &c., for pumps; fifteen dollars and fifty cents.

35. To Samuel Weston, for painting government house, nineteen dollars and fifty cents.

36. To Daniel Fenton, for paper hangings, &c., for government house, seven dollars and fifty cents.

37. To Fish, Green, and Company, for lumber, forty-eight dollars and twenty-eight cents.

38. To John Wilson, for work done to supreme court room, two dollars.

39. To Joseph G. Brearley, for hardware, paints, oil, &c., twenty-nine dollars and forty-four cents.

40. To Samuel Evans, agent for Trenton water works, twenty-five dollars.

41. To James Parker, Lewis Condict, and John Clement, commissioners appointed to view and select a site for a lunatic asylum, three hundred dollars.

42. To Samuel Prior, junior, for indexing votes and proceedings, stationery, &c., one hundred and sixty-two dollars and fifty-four cents.

43. To Samuel R. Hamilton, esq., for carting for arsenal, (by Wm. Taylor) three dollars.

44. To William Grant, for mason work at arsenal, four dollars and eighty-one cents.

45. To Blackfan and Wilkinson, for lumber for arsenal, seventeen dollars and eighty-seven cents.

46. To Joseph G. Brearley, for hardware, oil, &c., six dollars and thirty cents.

47. To Daniel Baker, for work, &c., at arsenal, five dollars and seventy-two cents.

48. To Grant and Cook, for hardware for arsenal, two dollars and eleven and a half cents.

49. To W. W. Norcross, for candles for the two houses, thirty-nine dollars and eighteen cents.

50. To Samuel R. Gummere, esq., for blank books, stationery, &c., one hundred and sixteen dollars and seventy-five cents.

51. To Elias Phillips, for pitchers, tumblers, &c., for supreme court room, three dollars and eighty-one cents.

52. To Charles Scott, for stationery for supreme court, Council and Assembly, fifty-eight dollars and ninety-one cents.

53. To postmaster of Trenton, for postage, nineteen dollars and eighty-nine cents.

54. To estate of Z. Rossell, esq., deceased, for services as adjutant general, from first of November, eighteen hundred and forty-one, to July twenty-first, eighteen hundred and forty-two, being eight months and twenty-one days, at one hundred dollars per annum, seventy-two dollars and eighty-one cents.

55. To the estate of Z. Rossell, esq., deceased, for books and stationery for supreme court, one hundred and four dollars and thirty cents.

56. To James Wilson, esq., for stove, repairs, &c., to supreme court clerk's office, fifteen dollars.

57. To Isaac Southard, esq., treasurer, for packing laws, supreme court reports, journals of Council, minutes of Assembly, United States laws, and for extra travelling expenses to obtain loans, receive interest, dividends on stock, &c., and for office rent, one hundred and sixty-two dollars and sixty-nine cents.

58. To Charles G. McChesney, esq., to defray expense of transmitting books, laws, &c., to other states, notifying banks, portorage for laws of Congress and the states, repairs to government house and fences, &c., forty-one dollars and fifty cents.

59. To Phillips and Boswell, for blanks, pedlers' licenses, &c., for secretary of state, seven dollars and fifty cents.

60. To Enoch W. Green, for work done to state house and supreme court clerk's office, seven dollars and twenty-five cents.

61. To Obadiah Howell, for one pitcher, fifty cents.

62. To Elias Phillips, for one pitcher, fifty cents.

63. To Samuel Brearley, for hardware for use of state, five dollars and fifty-nine cents.

64. To William Robertson, for one hundred and ten bushels of charcoal, eleven dollars.

65. To Thomas Upton, for stove-pipe, work, &c., fifteen dollars and sixty cents.

66. To George S. Potts, for making general index of judgments for the clerk's office of the supreme court, at one dollar and twenty-five cents per day, thirty-one dollars and eighty-seven and a half cents.

67. To I. C. Withington, for services as witness before post office committee, one dollar.

68. To D. E. Potts, for attendance as witness before post office committee, fifty cents.

69. To S. E. Decou, E. W. Green, and others, for furnishing materials and building west fence of state house yard, thirty-four dollars and twenty-nine cents.

70. To A. G. Cattell, for stationery, &c., for Assembly, forty-one dollars and seventy-five cents.

71. To James Clark, for paper furnished house, ten dollars and twenty-five cents.

72. To Sherman and Harron, for printing yeas and nays for Assembly, bills, diagrams, advertising, &c., &c., one thousand and thirty-seven dollars and twenty-seven cents.

73. To David Eastburn, for repairs to government house, two dollars and thirty-seven cents.

74. To Justice and Mills, for advertising, printing, &c., five dollars and seventy-five cents.

75. To A. G. Cattell, for stationery, twenty-six dollars and ninety-two cents.

76. To Sherman and Harron, for printing bills for the house, five dollars and twenty-five cents.

77. To Samuel R. Hamilton, esq., quartermaster general, for postage and transportation of arms, twelve dollars and thirty cents; *provided*, that no bill whatever be paid, unless the same specify particularly the several items of the account, and also at whose request, when, and for what purpose the same were furnished.

Passed February 23, 1843.

AN ACT to authorize the inhabitants of the township of Union, in the county of Essex, and the inhabitants of the township of Tewksbury, in the county of Hunterdon, to vote by ballot at their annual town meetings.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the inhabitants of the township of Union, in the county of Essex, and the inhabitants of the township of Tewksbury, in the county of Hunterdon, who are or shall be entitled to vote at town meetings, shall, at their respective town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect at such town meetings, determine the amount of money to be raised for such purposes as are or may be authorized by law, and also determine the place or places for holding their town meetings and elections for state and county officers, by ballot, and not otherwise; and all the succeeding provisions of this act are hereby declared to be applicable to each of said townships, respectively.

Voting in Union
and Tewksbury
to be by ballot.

Sec. 2. And be it enacted, That the judge of election, assessor, and collector, of the year eighteen hundred and forty-two, shall be the board of election at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor, and collector, of each year, shall constitute a board of election for the succeeding annual town meeting, and all special town meetings that may be held during the year; and the said board, of which the said judge shall be chairman, shall be empowered to determine who are by law entitled to vote at such town meetings, and shall be invested with the same powers, be liable to the same penalties, and governed by the same rules, in conducting the election at such meetings as at the annual state and county elections, so far as the same are applicable.

Board of election,
how constituted.

Sec. 3. And be it enacted, That in case of the absence, inability, or neglect to serve, of any member of the board of election, the lawful voters present at the opening of the poll shall elect, viva voce, a person being a freeholder and lawful voter in such township, to fill such vacancy during such election, and that the township clerk shall be clerk of such election; and in case of his absence, inability, or neglect to serve, the board of election shall choose a clerk to serve during such election; and that the clerk of election shall take an oath or affirmation, to be administered by one of the board of election, faithfully and impartially to perform his duties therein.

Vacancies in
board of election,
how supplied.

Sec. 4. *And be it enacted*, That previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each member of the board of election:

"You do swear, (or affirm) that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge and refuse to receive the same, unless you shall be fully satisfied that he is legally entitled to vote therein."

Oath of members of board of election.

Sec. 5. *And be it enacted*, That the poll shall open at one, and close at six o'clock in the afternoon, at the place appointed for holding the annual town meeting, and that, immediately upon the closing of the poll, the board of election and clerk shall, without adjournment or delay, proceed in an open and public manner to count the votes given, and determine the result of said election; which shall be recorded by the clerk in the minutes of said town meeting, which record shall be signed by said board of election, or a majority of them, and by said clerk.

Mode of conducting election.

Sec. 6. *And be it enacted*, That the board of election may, at their discretion, adjourn such election, at any proper time between the opening and closing of the polls, for a space of time not exceeding one half hour.

Election may be adjourned.

Sec. 7. *And be it enacted*, That a plurality of the votes cast shall be sufficient to elect any and all officers voted for, and determine all sums of money and other matters which are herein directed to be decided by ballot.

Plurality of votes to determine.

Sec. 8. *And be it enacted*, That in case of a tie between two candidates for the same office, or between two sums of money voted for, or in any other matter, the township committee, or a majority of them, shall decide; and in case of a neglect or inability to serve, on the part of any officer elected, the said committee, or a majority of them, shall, by writing under their hands and seals, appoint a person to fill the vacancy; and in case they shall fill such vacancy by their own appointment, they shall give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed of such his appointment, within five days after making the same; and also, within that time, transmit an account of such appointment to the clerk of the court of common pleas of said county.

Ties, how determined.

Vacancies, how supplied.

Sec. 9. *And be it enacted*, That any matters which by neglect or failure shall not be determined upon, and which by law said town meeting is empowered to determine, shall be

Resolutions of township committees to be entered in books of minutes.

decided by the township committee, or a majority of them; and they shall declare their determination, by resolution, upon any such matter, and have the same entered on the town book in which the minutes of the town meeting shall have been kept.

Compensation to officers.

Sec. 10. *And be it enacted*, That the officers of the board of election and the clerk shall be allowed, for their services in attending every such election, the sum of one dollar, each, to be paid by the township committee out of the funds of the said township; and no officer shall be incompetent to act by reason of his being a candidate for any office to be voted for at such election.

Township committee to prepare report.

Sec. 11. *And be it enacted*, That it shall be the duty of the township committee to meet, at least twelve days before the day of town meeting, and all future town meetings, and prepare a report, as now directed by law; and it shall be the duty of the clerk to attend said meeting of the committee, and to cause said report to be put up, at least six days prior to the next town meeting, in hand-bills set up in three or more public places in said township, as said committee may direct; and for which services said clerk shall receive such compensation as the said committee shall determine.

School committee to publish report.

Sec. 12. *And be it enacted*, That the school committee shall also publish such report as they are now required by law to make, in a newspaper circulating in the township, or in hand-bills, which they shall set up in one or more public places in each school district, at least six days before the annual town meeting; and that the expense of such publication shall be defrayed by the township.

Act, when to take effect.

Sec. 13. *And be it enacted*, That this act shall go into operation immediately after its passage.

Passed February 24, 1843.

Supplement to an act entitled, "An act to establish public schools," passed March first, eighteen hundred and thirty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when any person shall hereafter be elected to the office of collector, in any township in this state, he shall, before he enters upon the duties of said office, enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders, and resident in said township, to be approved of by the school committee of said township, and in such sum as the said school committee shall direct, conditioned for the faithful performance of all the additional duties of said office, imposed by the act to which this is a supplement.

Collector to give bond.

Passed February 24, 1843.

AN ACT regulating the draws of the bridges now erected, or to be erected, over the Passaic river.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That each and every bridge or viaduct, hereafter to be erected over the Passaic river, between the head of navigation and the Newark bay, shall be so constructed as to contain a draw for the free passage of vessels navigating the said river, the opening of which draw shall be at least thirty-five feet wide in the narrowest part, and shall be placed in such position as to do the least possible injury to the navigation thereof.

Width of draws in bridges, &c.

Sec. 2. *And be it enacted,* That every bridge now erected over said river, not having a draw at least thirty-five feet wide, shall, by the first day of May next, be so altered as to contain a draw of the dimensions and description specified in the first section of this act.

Bridges not having draws of certain width, to be altered.

Former act repealed.

Sec. 3. *And be it enacted*, That the act entitled, "An act for the better protection of the navigation of the Passaic river," passed March tenth, eighteen hundred and forty-two, be, and the same is hereby repealed.

Act, when to take effect.

Sec. 4. *And be it enacted*, That this act shall go into operation immediately on the passage thereof.

Passed February 24, 1843.

A further supplement to an act entitled, "An act to incorporate the Belvidere Delaware Bridge Company," passed the fifth day of March, eighteen hundred and thirty-two.

Preamble.

WHEREAS a bridge was erected across the Delaware river, at Belvidere, in the county of Warren, under the act to which this is a further supplement, and immediately swept away by a high freshet; and whereas the company, at great cost and expense; have erected another, thereby incurring debts to a considerable amount, which are still unpaid: and it being doubtful whether, under the act to which this is a further supplement, the said bridge can be mortgaged to secure the payment of the said debts contracted as aforesaid—therefore,

Directors authorized to borrow money.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the president and directors of the Belvidere Delaware Bridge Company, or the persons acting as their successors in office, may, from time to time, borrow such sum or sums of money as may be necessary to pay off the debts, interest, and costs incurred by said president and directors, in building and rebuilding the same, and to mortgage the said bridge, with its appurtenances, for the repayment of the said sum or sums so borrowed, but for no other purpose.

Restriction as to mortgaging.

Sec. 2. *And be it enacted*, That this act shall not be construed so as to allow the said president and directors, or their successors in office, to mortgage the said bridge for any part of their own indebtedness to the said bridge for stock which

they have not paid up to an equal amount with other stockholders.

Sec. 3. *And be it enacted*, That this act shall not go in force until the legislature of the state of Pennsylvania enact a similar law. Act, when to take effect.

Passed February 24, 1843.

JOINT RESOLUTIONS.

WHEREAS an untarnished reputation, based upon strict integrity and a rigid adherence to good faith in all our public transactions, is not only of inestimable importance, but indispensably necessary to the well-being, prosperity, and happiness of our common country;—and whereas we have hitherto preserved inviolate our plighted faith, and cherished with enthusiasm our unblemished honour, regarding it as a precious heritage from noble sires, earned by the toil, purchased by the blood, and endeared to us by the sufferings of the patriots of the Revolution;—and whereas it is not only highly dishonourable, but directly conflicting with every principle of justice and morality, for any state, nation, or people to repudiate or disown obligations contracted in good faith and with mutual concurrence, because such contracting power is not legally responsible, or such obligation may not be legally enforced;—and whereas, in a portion of our Union, doctrines have been promulgated tending to degrade the national honour, destroy the national credit, and debase the national character, unjustly involving in a common odium the other portions of this Union, and causing our name to be a by-word and reproach throughout the civilized world;—and whereas a belief extensively prevails that these odious doctrines meet with a silent assent, if not general approbation, throughout our confederation, thereby tar-

Preamble.

nishing, by implication, our country's fair fame, and rendering it not only expedient, but highly necessary and proper, that the voice of the people, in their primary assemblies and in their legislative halls, should be universally, fully, and unequivocally expressed—therefore,

Resolutions relative to repudiation.

1. *RESOLVED, by the Council and General Assembly of the State of New Jersey*, That we heartily deprecate, indignantly repel, and utterly condemn the novel doctrine of repudiation of state debts, and desire now, and for all time, distinctly and unequivocally, to declare, that New Jersey not only disavows any and all participation in such sentiments, but will not suffer the moral sense of her people to be outraged by their avowal in any part of our Union, by any portion of its citizens, without an expression of her open, thorough, and decided condemnation.

2. *Resolved*, That we should be recreant to every virtuous principle and honest impulse, and faithless to all moral obligation, did we hesitate to take a firm and unwavering stand, and exert the utmost energies of our state and people in vindication of the probity and the untarnished reputation transmitted by our fathers; which form the ground-work of that just pride and veneration with which their honoured names are associated, and a broad basis of national integrity, which all should delight to emulate and defend.

3. *Resolved*, That public credit is one of the vital principles and a main-spring of national prosperity, and indissolubly associated, as it is, with an unimpeachable character for strict honesty, must be greatly impaired, if not utterly destroyed, by any disregard of this indispensable requisite in the formation of national, as well as of individual good character.

4. *Resolved*, That the same laws of retributive justice govern nations as individuals, and that no country or people can swerve with impunity from the straight-forward path of uprightness and integrity; when the quick sense of honour becomes blunted, and the shame of merited reproach is unfelt or unheeded, the public morals will deteriorate, and public virtue decline, and, in their downward course, bear with them national respectability and national worth, and, finally, whelm the work and pride of ages in irretrievable ruin.

5. *Resolved*, That it is our earnest hope and belief that the doctrine of repudiation has obtained but a partial foothold on the soil of our Union, and a limited portion of its citizens for advocates and defenders; and we are proud to assert, that the mass of our people are, and ever have been, firm in their adherence to all the maxims of probity, unwavering in their acknowledgment of all the exactions of good faith, honourable

in the discharge of all the obligations which mutual contracts impose, or the conventional usages of society imply, and proudly sensitive to the aspersion of national disgrace.

6. *Resolved*, That considerations, above and distinct from party, reaching far beyond our day and generation, and intimately affecting, as we sacredly believe, the future character, varied interests, and permanent prosperity of our beloved country, solemnly impel us to speak fearlessly and unhesitatingly on this subject; and, in a spirit of patriotism, which should look beyond state limits, we beseech our fellow citizens, throughout the length and breadth of this Union, to join with us in reprobating all violations of good faith, and in vindicating the honour and reputation of our common country.

7. *Resolved*, That the governor of this state be requested to transmit a copy of the foregoing preamble and resolutions, certified under the great seal of the state, to the governor of each of the several states of the Union, with a request that he will cause the same to be laid before the legislature thereof.

Passed February 17, 1843.

RESOLVED, by the Council and General Assembly of this State, That the treasurer be, and he is hereby authorized to borrow from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not to exceed the sum of thirty thousand dollars, and at a rate of interest not to exceed the rate of six per cent. per annum.

Treasurer authorized to borrow money.

Passed February 22, 1843.

WHEREAS Joseph Cunningham, late postmaster of the city of Trenton, has presented false accounts to the treasurer of this state, for the postage of the members of the legislature, during the years 1837, 38, 39, 40, 41, and 42, and has, from time to time, received out of the treasury various sums of

Preamble.

money, under colour of such accounts, to which he was not, upon any legal or honest principle, entitled—therefore,

Attorney general and treasurer authorized to take measures for the recovery of money.

BE IT RESOLVED, *by the Council and General Assembly of this State*, That the attorney general and treasurer be, and they are hereby authorized and empowered to take such measures as may, in their discretion, be deemed necessary and proper, to recover from the said Joseph Cunningham, all such sums of money as he may have received out of the treasury of this state, under colour of said accounts, and to which he is not rightfully entitled.

Passed February 23, 1843.

Preamble.

WHEREAS a considerable amount of money is yearly drawn from the state treasury to pay the brigade inspectors of the different counties, where no trainings or other military services are rendered—therefore,

Brigade inspectors not to receive pay in certain cases.

RESOLVED, *by the Council and General Assembly of this State*, That from and after the passage of this joint resolution, that no money shall be paid to the brigade inspector of any county in this state, except in such counties as all trainings are regularly held, agreeably to the requisitions of the laws now in existence.

Passed February 24, 1843.

Treasurer not to pay certain incidental charges.

BE IT RESOLVED, *by the Council and General Assembly of this State*, That the treasurer be, and he is hereby directed not to pay out of the treasury any moneys appropriated by the act entitled, "An act to defray incidental expenses," passed February twenty-third, eighteen hundred and forty-three, where the services or articles in the said act specified, have been paid for under or by virtue of any special act or resolution, or under or by virtue of any other authority whatever.

Passed February 24, 1843.

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ACTS
OF THE
SIXTY-EIGHTH
GENERAL ASSEMBLY

OF THE
STATE OF NEW JERSEY,

**AT THE SESSION BEGUN AT TRENTON ON THE TWENTY-FOURTH DAY
OF OCTOBER, EIGHTEEN HUNDRED AND FORTY-THREE.**

Being the First Sitting.



FREEHOLD:
PRINTED BY BERNARD CONNOLLY.
1844.

1871

1871

ACTS
OF THE
SIXTY-EIGHTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY.

AN ACT to authorize and empower the executors of the last will and testament of Samuel Fidler, deceased, to sell and convey the real estate of said deceased.

WHEREAS, it appears that Samuel Fidler, late of the township of Hopewell, in the county of Mercer, hath departed this life, having made and executed his last will and testament in due form of law, and appointed Joshua Bunn and Joseph Burroughs, executors thereof;—
and whereas, it appears that the said Samuel Fidler, after making various bequests in said will, constituted the second Methodist Episcopal Church of the township of Hopewell, and the Trustees of the Missionary Society of the New Jersey Annual Conference of said Methodist Episcopal Church, his residuary legatees;—
and whereas, it was the manifest intention, of said testator that the legacies mentioned in his will should be paid out of the proceeds of the sale of his real as well as his personal estate; but that the said testator omitted to vest a power to make such sale of his real estate

Preamble.

in his executors, or any other person;—and whereas, it is represented that the interest of the residuary legatees and the intentions of the testator would be much promoted by authorizing a sale of said real estate, at an earlier period than can be if the parties interested are compelled to resort to the courts to procure such authority; and whereas, this legislature are willing to aid the benevolent designs of said testator—therefore,

Executors
authorized to
sell real es-
tate.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Joshua Bunn and Joseph Burroughs, executors of the last will and testament of the said Samuel Fidler, deceased, be and they are hereby authorized and empowered to make sale of the real estate of which said Samuel Fidler died seized, as fully as if they had been thereto authorized by the will of said Samuel Fidler.

Executors to
give bond.

Sec. 2. *And be it enacted,* That before said executors proceed to make such sale, they shall enter into bond to the Ordinary of this State, before the surrogate of the county of Mercer, with one or more sufficient securities, in a penalty double the estimated value of said real estate, for the faithful appropriation of the proceeds of said sale, according to the will of the testator.

Executors to
make report
to Orphan's
Court.

Sec. 3. *And be it enacted,* That said sales shall be conducted in all respects, in the same manner as is prescribed by the various acts of the legislature for sales of land by executors or administrators by order of the Orphans' Court; and that when a sale of said real estate or any part thereof shall have been made, the said executors shall report the same to the Orphans' Court of the county of Mercer; and if the said Orphans' Court shall approve said sale, they shall confirm the same as valid and effectual in law, and direct the said executors to make a good and sufficient conveyance for the same to the purchaser or purchasers thereof; and that said conveyance so made shall vest in the purchaser or purchasers, the same title to said real estate as the said Samuel Fidler had at the time of his decease.

In case of
death of Ex-
ecutor, pow-
er vested in
survivor.

Sec. 4. *And be it enacted,* That in case either of said executors shall depart this life before the complete execution of the powers conferred by this act, then all the powers hereby granted to the two, shall be thenceforth vested in the survivor.

Passed November 1, 1834.

AN ACT to appoint Commissioners to make partition of the real estate of Jacob De Groot, late of Somerset county, deceased.

WHEREAS, it has been represented to the legislature, by the petition of Samuel Swan and Aletta his wife, Sarah Boudinot and others, that Jacob De Groot by his last will and testament, devised the one half of his real estate to his daughter Aletta, wife of Samuel Swan, and the other half to his executors in trust for his said daughter Sarah Boudinot, during their natural lives; and on the death of either of his said daughters, devised the one half of said real estate in fee simple to such child or children as such daughter might leave,—and whereas, it has been farther represented, that no petition of said lands can be made between the said tenants for life, that will be permanent and binding upon the children of said tenants, some being minors; but upon the death of either of said tenants for life, her children and grand children may require and obtain a new and different division of said lands; in consequence whereof, the said tenants for life will be restrained from making improvements on said lands;—and whereas, it is considered equitable and just and for the best interests of all persons concerned in said lands, that the said partition should be permanent and conclusive upon the devisees of the fee simple—therefore, pursuant to the prayer of said petition,

Preamble.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Ross, Caleb C. Brokaw, and Peres Bonney, be, and they hereby are, appointed commissioners, with full power and authority to make partition of said real estate of the said Jacob De Groot, deceased, into two equal shares or parts, having due regard to the situation, quantity, quality and advantages of each part or share, so that they may be equal in value, as nearly as may be:—and the said commissioners shall make a true field book, specifying the bounds of each part or share: and when the same shall be made and completed, shall proceed to assign by ballot, the said parts or shares to the said tenants for life, respectively.

Commissioners to make partition of real estate.

Sec. 2. *And be it enacted,* That the said partition, so to be made by said commissioners, or any two of them, shall be as binding and conclusive upon the said tenants for life, and upon their children respectively, as if the same had been so expressly declared by the said testator, in his last will and testament: *provided*, that nothing in this act contained, shall in any wise affect or alter the rights of the devisees, under said will further than that the said lands, by virtue of said partition, shall be held in severalty, and not in common, according to the respective estates under said will.

Partition
made by com-
missioners, to
be binding.

Proviso.

Sec. 3. *Be it enacted,* That the said commissioners, before they proceed to the execution of the powers invested in them by this act, shall be severally sworn or affirmed, before one of the Judges of the Inferior Court of Common Pleas of the county of Somerset, that they will honestly, faithfully and impartially make the partition intended by this act, to the best of their skill, knowledge and judgment.

Commission-
ers to be
sworn.

Sec 4. *And be it enacted,* That the said commissioners shall transmit a copy of this act, and their oath or affirmation, properly certified by the officer administering the same, and the field book, and their accounts, and all their proceedings, to the judges of the Court of Common Pleas of said county of Somerset, in which the lands lie: who, after inspecting the same, shall order the same, excepting the account of expenses, to be recorded in the clerk's office of the said county, which shall be good evidence of such partition.

Commission-
ers to make
return of pro-
ceedings.

Passed, November 4, 1843.

AN ACT to confirm certain acknowledgments and proofs of deeds, and other instruments taken by Lucas A. Van Boskerck.

WHEREAS, it appears to the legislature that Lucas A. Van Boskerck was duly appointed a commissioner for taking acknowledgments and proofs of deeds, for the township of Bergen, in the county of Hudson, on the seventeenth day of January, in the year of our Lord one thousand eight hundred and forty-three, for the term of five years, and was duly sworn into that office, and acted therein;—and whereas, by an act of the legislature of this State, passed on the tenth day of February, in the year of our Lord one thousand eight hundred and forty-three, entitled “an act to divide the township of Bergen, in the county of Hudson,” a certain part of the said township of Bergen, in which the said Lucas A. Van Boskerck, resided, was set off into a separate township called the township of North Bergen, whereby the said Lucas A. Van Boskerck became disqualified from performing the duties of his said office as commissioner, &c.;—and whereas, the said Lucas A. Van Boskerck not knowing that he was so disqualified, continued after the said tenth day of February, to take acknowledgments and proofs of deeds and other instruments as he had been authorised to do by his said commission until the twenty-fourth day of October, in the year our Lord one thousand eight hundred and forty-three—therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the several acknowledgments and proofs of deeds and other instruments, taken and certified by Lucas A. Van Boskerck, as commissioner, aforesaid, between the tenth day of February and the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and forty-three, be, and the same are hereby confirmed and declared valid and effectual, in like manner as if the said Lucas A. Van Boskerck had been duly qualified as required by law; *provided, nevertheless*, that nothing in this act contained shall be con-

Acknowledgments of deeds, &c. taken by L. A. Van Boskerck, confirmed.

Previous.

strued so as to affect the rights of any judgment creditor, or bona fide purchaser or mortgage creditor, for a valuable consideration, before the passage of this act.

Sec. 2. And be it enacted, That this act shall take effect immediately.

Passed Nov. 4, 1843.

AN ACT to divorce Mary Ann F. Randolph, from her husband, Stelle F. Randolph.

Mary Ann F.
Randolph
and Stelle F.
Randolph,
divorced.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Mary Ann F. Randolph be, and she is hereby divorced from her husband, Stelle F. Randolph, and that the marriage contract heretofore existing between them, be, and the same is hereby fully and absolutely dissolved—*provided nevertheless*, that the issue of said marriage shall not be deemed illegitimate, in consequence of this act.

Mother to be
guardian of
children dur-
ing infancy.

Sec. 2. And be enacted, That Ann Forman Randolph, and Thomas F. Randolph, infant children of the said Stelle F. Randolph and Mary Ann F. Randolph, being the only issue of the said marriage, be, and they are hereby committed during their infancy, to the care of their said mother, who shall be the guardian of said infants, persons and estate, during their minority—and that the said Stelle F. Randolph shall not have, or exercise any power or control over his said children during their minority, for or by reason of paternity.

Father re-
leased from
obligation to
support chil-
dren.

Sec. 3. And be it enacted, That the said Stelle F. Randolph, be, and he is hereby released from the civil obligation to support and maintain his said children, which would have rested upon him in case this act had not been passed.

Passed November 6, 1843.

A further supplement to the act, entitled "An act concerning Sheriffs," passed the 18th of March, seventeen hundred and ninety-six.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the supplement passed on the twenty-second day of February, eighteen hundred and forty-three, to the act entitled "An act concerning Sheriffs," shall extend to all cases where the Sheriff either before or after the expiration of his term of office, shall die, or remove out of the jurisdiction of this State, or otherwise become disabled by law to execute the duties of his office. Provisions of supplement extended to cases of death repeasibility of Sheriff.

Sec. 2. And be it enacted, That this act shall go into effect immediately after its passage. Act when to take effect.

Passed November 6, 1843.

AN ACT for the support of the government of this State.

Sec. 1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That there shall be paid to the officers appointed for the administration of the government of this State, the several sums following, viz:

To the governor of this state for the time being, at the rate of two thousand dollars by the year.

To the chief justice of the supreme court of this state for the time being, at the rate of fifteen hundred dollars by the year.

To each of the associate justices of the supreme court

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Sec. 2. *And be it en*
fect immediately.

Passed Nov. 4, 18

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al of this state for the time being,
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ies shall be paid to the several offi-
ioned, their executors, administrators,
warrants produced to the treasurer, signed
AN ACT nor or vice president of Council; and in case
e said officers shall be removed from office, by
or otherwise, the salary of such officer shall cease
determine on such removal, and the salary of his suc-
cessor shall commence from the time he shall be sworn
or affirmed into office.

Mary Ann F.
Randolph
and Stelle F.
Randolph,
divorced.

members of
council and
assembly,
how paid.

Sec 2. *And be it enacted*, That there shall be paid to
the vice president of Council and to the speaker of the
House of Assembly, the sum of three dollars and fifty
cents, each; and to every member of Council and As-
sembly, the sum of three dollars for each and every day
they have attended, or shall attend, this or any future
sitting of the Legislature; and to every member of the
Council and Assembly, the additional sum of three dollars
for every twenty miles of the estimated distance, by the
nearest route, between his place of residence and the
seat of government, in going or returning, on a certifi-
cate, to be produced to the treasurer, expressing the sum
due and the number of days and miles, signed by the
president or vice president of Council, for the members of
Council, and by the speaker of the House of Assembly,
or by John D. Field, Jonathan Pickel, William G. Hopper,
James Clark, or any two of them, for members of As-
sembly.

Secretary of
Council and
Clerk of As-
sembly, how
paid.

Sec. 3. *And be it enacted*, That there shall be paid to
the secretary of Council and to the clerk of Assembly the
sum of three dollars and fifty cents, each, for every day
they have attended, or may attend, this or any future
sitting of this legislature; and the sum of eight cents by
the sheet, computing one hundred words to the sheet, for

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conveyance to the
ate so sold to the
executor of the
Bond, deceased,
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be it enacted, That
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acity, who shall attend the Cou.
sembly for the time being, and to the u
the Council and House of Assembly for the
ing, the sum of two dollars, each, by the day, for
day, on certificate, to be produced to the treasurer, ex-
pressing the sum due, and the number of days they have
respectively attended, signed by the president or vice-
president of Council and the speaker of the House of As-
sembly, respectively.

steil
ser.

Sec. 5. And be it enacted, That there sh^{all} be paid to
the engrossing clerk, who shall engross the bills of Coun-
cil and Assembly this session of the legislature, at the
rate of eight cents by the sheet, computing one hundred
words to the sheet, on a certificate of the amount,
signed by the president or vice president of Council and
by the speaker of the House of Assembly, respectively.

Engrossing
clerk, how
paid.

Sec. 6. And be it enacted, That this act shall be and
continue in force for one year from the twenty fourth day
of October, in the year of our Lord, one thousand eight
hundred and forty three, and no longer; and the same
shall go into effect immediately after the passage thereof.

Limitation of
Act.

Passed November 8, 1843.

AN ACT to authorize and empower Thomas Cain, Junior, administrator *de bonis non cum testamento annexo* of Mary Bond, deceased, to make a deed for certain real estate sold by the executor of the last will of said Mary Bond to Richard J. Bond.

Preamble.

WHEREAS, it is represented to the satisfaction of this legislature, that Mary Bond, late of the city of Trenton, died, leaving a last will and testament, in and by which Thomas Cain, of said city, was appointed executor thereof; that the said Thomas Cain duly proved said will and assumed the burden of the execution thereof; that said Thomas Cain, in the course of his administration of said estate, having found the personal estate of the testatrix to be insufficient to pay her debts, made application to the Orphans' Court of Mercer county, and was by said court ordered to sell the whole of the real estate whereof said Mary Bond died seized in the county of Mercer, for the payment of her debts; that in pursuance of said order the said Thomas Cain exposed the said real estate to public sale, on the twenty-fifth day of February last, and sold the same to Richard J. Bond, who was the highest bidder, for the sum of one hundred dollars and fifty cents; that after making said sale and before reporting the same to the Orphans' Court of Mercer county, for confirmation according to law, the said Thomas Cain departed this life—and whereas, it is represented that there is no means by which the said sale can be perfected, and a title made, other than an act of the legislature; and whereas, Thomas Cain, Junior, administrator *de bonis non cum testamento annexo*, of the said Mary Bond, deceased, hath prayed that he may be authorized to make a deed for said real estate to the said Richard J. Bond, and to receive the purchase money, for administration according to law and the will of the testatrix—therefore,

Administrator authorized to make deed, &c.

Sec. 1. **BE IT ENACTED**, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Thomas Cain, Junior, administrator *de bonis non cum testamento annexo*, of the said Mary Bond, deceased, be, and he is hereby authorized

and empowered to make a deed of conveyance to the said Richard J. Bond, for the real estate so sold to the said Richard J. Bond, by Thomas Cain, executor of the last will and testament of the said Mary Bond, deceased, and to receive from the said Richard J. Bond the purchase money of said real estate, and the same to administer according to law and the will of the testatrix.

Sec. 2. *And be it enacted*, That before the said Thomas Cain, Junior, shall proceed to act, he shall enter into bond to the Ordinary, before the Surrogate of the county of Mercer, with sufficient surety, in the penalty of six hundred dollars, for the faithful application of the purchase money for said real estate according to law and the will of said Mary Bond, deceased. Administrator to give bond.

Sec. 3. *And be it enacted*, That the deed of conveyance of said Thomas Cain, Junior, shall vest in the said Richard J. Bond, the same title to said real estate as the said Mary Bond had at the time of her decease, as fully as if the sale by the said Thomas Cain, executor of the said Mary Bond had been reported to the Orphans' Court of Mercer county, and been by the said court confirmed as valid and effectual in law, and a deed of conveyance had thereupon been made by the said Thomas Cain, executor as aforesaid. Title vested in purchaser.

Passed November 9, 1848.

AN ACT to dissolve the marriage between Charles William Appleton and Tacy Maria Appleton, his wife.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the bond of matrimony heretofore existing between Charles William Appleton and Tracy Maria Appleton his wife, of the city of New Brunswick, in the county of Middlesex, be, and the same is hereby fully and absolutely dissolved. Charles William and Tacy Maria Appleton divorced.

Issue of marriage to be legitimate.

Sec. 2. *And be it enacted*, and declared, That Greenleaf Webb Appleton, the infant son of the said Charles William Appleton and the said Tracy Maria Appleton, being the only issue of the marriage between the said parties, shall be deemed and taken to be legitimate.

Mother to have guardianship of infant.

Sec. 3. *And be it enacted*, That the said Greenleaf Webb Appleton, be, and he is hereby committed during his infancy to the care and guardianship of his said mother.

Father not to have authority over infant

Sec. 4. *And be it enacted*, That it shall not be lawful for the said Charles William Appleton, from henceforth, to have, exercise, or assert any right or authority of, in, to, or over the said Greenleaf Webb Appleton, during his infancy aforesaid, for or by reason of paternity.

Passed, November 9, 1843.

ACTS
OF THE
SIXTY-EIGHTH
GENERAL ASSEMBLY

OF THE
STATE OF NEW JERSEY,

**AT THE SESSION BEGUN AT TRENTON ON THE TWENTY-FOURTH DAY
OF OCTOBER, EIGHTEEN HUNDRED AND FORTY-THREE.**

Being the Second Sitting.



FREEHOLD:
PRINTED BY BERNARD CONNOLLY.
1844.



ACTS
OF THE
SIXTY-EIGHTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY.

AN ACT to facilitate the improvement of the Paterson and Hudson River Rail Road.

WHEREAS, it is represented by the petition of "The President and Directors of the Paterson and Hudson River Rail Road Company," that they have negotiated an arrangement for the purchase of iron, for improving rail road, by agreeing to issue the bonds of the company, to bear six per cent. interest per annum, and to be secured by mortgages upon the property, and franchises of the company ; but that doubts have arisen whether they have sufficient powers to make such bonds and mortgages ; and they thereupon, having requested legislative aid in the premises, therefore—

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Board of Directors of "The President and Directors of the Paterson and Hudson River Rail Road Company,"

Directors to issue bonds.

strued so as to affect the rights of any judgment creditor, or bona fide purchaser or mortgage creditor, for a valuable consideration, before the passage of this act.

Sec. 2. *And be it enacted*, That this act shall take effect immediately.

Passed Nov. 4, 1843.

AN ACT to divorce Mary Ann F. Randolph, from her husband, Stelle F. Randolph.

Mary Ann F. Randolph and Stelle F. Randolph, divorced. Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Mary Ann F. Randolph be, and she is hereby divorced from her husband, Stelle F. Randolph, and that the marriage contract heretofore existing between them, be, and the same is hereby fully and absolutely dissolved—*provided nevertheless*, that the issue of said marriage shall not be deemed illegitimate, in consequence of this act.

Mother to be guardian of children during infancy. Sec. 2. *And be enacted*, That Ann Forman Randolph, and Thomas F. Randolph, infant children of the said Stelle F. Randolph and Mary Ann F. Randolph, being the only issue of the said marriage, be, and they are hereby committed during their infancy, to the care of their said mother, who shall be the guardian of said infants, persons and estate, during their minority—and that the said Stelle F. Randolph shall not have, or exercise any power or control over his said children during their minority, for or by reason of paternity.

Father released from obligation to support children. Sec. 3. *And be it enacted*, That the said Stelle F. Randolph, be, and he is hereby released from the civil obligation to support and maintain his said children, which would have rested upon him in case this act had not been passed.

Passed November 6, 1843.

A further supplement to the act, entitled "An act concerning Sheriffs," passed the 18th of March, seventeen hundred and ninety-six.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the supplement passed on the twenty-second day of February, eighteen hundred and forty-three, to the act entitled "An act concerning Sheriffs," shall extend to all cases where the Sheriff either before or after the expiration of his term of office, shall die, or remove out of the jurisdiction of this State, or otherwise become disabled by law to execute the duties of his office.

Provisions of supplement extended to cases of death repeatability of Sheriff.

Sec. 2. And be it enacted, That this act shall go into effect immediately after its passage.

Act when to take effect.

Passed November 6, 1843.

AN ACT for the support of the government of this State.

Sec. 1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That there shall be paid to the officers appointed for the administration of the government of this State, the several sums following, viz:

Payment of officers provided for.

To the governor of this state for the time being, at the rate of two thousand dollars by the year.

To the chief justice of the supreme court of this state for the time being, at the rate of fifteen hundred dollars by the year.

To each of the associate justices of the supreme court

of this state for the time being, at the rate of fourteen hundred dollars by the year.

To the treasurer of this state for the time being, at the rate of one thousand dollars by the year.

To the law reporter and chancery reporter of this state for the time being, at the rate of two hundred dollars, each, by the year.

To the attorney general of this state for the time being, at the rate of eighty dollars by the year.

To the quartermaster general of this state for the time being, at the rate of one hundred dollars by the year.

To the adjutant general of this state for the time being, at the rate of one hundred dollars by the year.

Salaries how
paid.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or vice president of Council; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal, and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

Members of
Council and
Assembly,
how paid.

Sec. 2. *And be it enacted,* That there shall be paid to the vice president of Council and to the speaker of the House of Assembly, the sum of three dollars and fifty cents, each; and to every member of Council and Assembly, the sum of three dollars for each and every day they have attended, or shall attend, this or any future sitting of the Legislature; and to every member of the Council and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the nearest route, between his place of residence and the seat of government, in going or returning, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president or vice president of Council, for the members of Council, and by the speaker of the House of Assembly, or by John D. Field, Jonathan Pickel, William G. Hopper, James Clark, or any two of them, for members of Assembly.

Secretary of
Council and
Clerk of As-
sembly, how
paid.

Sec. 3. *And be it enacted,* That there shall be paid to the secretary of Council and to the clerk of Assembly the sum of three dollars and fifty cents, each, for every day they have attended, or may attend, this or any future sitting of this legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for

entering the minutes of Council and Assembly and the joint-meeting in the journal; and eight cents by the sheet, computing one hundred words to the sheet, for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice president of Council, for the secretary of Council, and by the speaker of the House of Assembly, for the clerk of Assembly.

Sec. 4. *And be it enacted*, That there shall be paid to the sergeant-at-arms, or to any person or persons acting in that capacity, who shall attend the Council and House of Assembly for the time being, and to the door-keepers of the Council and House of Assembly for the time being, the sum of two dollars, each, by the day, for each day, on certificate, to be produced to the treasurer, expressing the sum due, and the number of days they have respectively attended, signed by the president or vice-president of Council and the speaker of the House of Assembly, respectively.

Sergeant at arms and door keeper, how paid.

Sec. 5. *And be it enacted*, That there shall be paid to the engrossing clerk, who shall engross the bills of Council and Assembly this session of the legislature, at the rate of eight cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the president or vice president of Council and by the speaker of the House of Assembly, respectively.

Engrossing clerk, how paid.

Sec. 6. *And be it enacted*, That this act shall be and continue in force for one year from the twenty fourth day of October, in the year of our Lord, one thousand eight hundred and forty three, and no longer; and the same shall go into effect immediately after the passage thereof.

Limitation of Act.

Passed November 8, 1843.

each lot in all cases to be entitled to one vote; and *provided* further that the proprietors may at their first meeting, or at any annual meeting if a majority concur, empower and direct the managers for the time being, to make any by-laws, rules and regulations for the government of the cemetery, which they may deem expedient.

Sec. 6. *And be it enacted*, That the premises, burial lots, vaults, monuments, and other fixtures of said cemetery, shall not be subject to any assessment, taxes or fines, unless otherwise directed by the board of chosen freeholders of the county of Essex, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law, or assignments under any insolvent law whatever, except for incumbrances existing at or previous to the passage of this act: and that no street or road shall hereafter be opened through the lands of this corporation.

Premises not
subject to tax

Sec. 7. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such, in all courts and places whatsoever, and shall go into effect immediately on the passage thereof.

Act to be
deemed public act.

Passed January 24, 1844.

A supplement to an act entitled "an act to authorize the sale of certain Real Estate of John Matthews, deceased, late of the county of Cumberland.

T. Ferguson
authorized to
make deed of
conveyance.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Thomas Ferguson be, and he is hereby authorized to make and execute to Carlton P. Stokes, a good and lawful deed of conveyance for the tract of land mentioned in the original act, to which this is a supplement, which John Matthews, late of the county of Cumberland, died seized, situate in Gloucester

county, lying on Long-a-coming branch, containing fifty nine acres and thirty-three hundredths, be the same more or less; and said deed shall vest in said Carlton P. Stokes, his heirs and assigns, as good and perfect a title as said John Matthews was possessed, or entitled unto at the time of his decease.

Passed January 24, 1844.

An act to incorporate the Allowaystown Union Beneficial Society of Upper Alloways Creek, in the county of Salem, New Jersey.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Charles H. Powell, William T. Dubois, William C. Lambert, Horatio G. Davis, Richard C. Ballenger, Samuel Craig, Daniel Vanneman, Furman Wintzell, and all such other persons, not exceeding at any one time, three hundred, as now are or hereafter shall become, members of the said society, be, and they are hereby ordained, constituted and declared a body corporate and politic, in fact and in law, by the name and title of the Alloways Union Beneficial Society; and by such name they shall have succession and continuance, and be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have the power to alter and change the same at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of the said corporation.

Names of
Corporators.

Style of in-
corporation.

Powers.

SEC. 2. And be it enacted, That for the more effectual accomplishment of the objects of the said incorporation,

Officers of in-
corporation.

there shall be a President, Vice President, Secretary, Assistant Secretary, Treasurer, three Stewards and a Messenger, and such other officers and assistants as shall be deemed necessary; who shall be elected by ballot by a majority of the members present at such election, at such times and places as the said corporation shall, from time to time, appoint and direct.

What real or personal estate, corporation may hold.

Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now or hereafter, held by the said society, shall be vested in the body corporate and politic, hereby created, which said body politic and corporate shall by the name and title aforesaid, be able and capable in law, to purchase, receive, take, hold and convey, for the use and benefit of said society, and for the purposes expressed in this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods and chattles, by gifts, alienations, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same; *Provided*, that the clear yearly income or value of the real and personal estate of the said corporation shall not exceed the sum of eight hundred dollars.

May make constitution and by-laws.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt and use, and from time to time alter, amend or change, as by them may be deemed expedient, such general form of a constitution, and such by-laws for the transaction of business, and for effecting the purposes of the society aforesaid, as to the members, or a majority of the members present, duly met, shall be deemed right and proper; *Provided*, That nothing in the said constitution and by-laws be repugnant to the constitution or laws of the United States or the State of New Jersey.

Proviso.

Objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities from pursuing their ordinary avocation, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in this and the foregoing sections of this act; and no part of the funds of the said corporation shall be used

for banking purposes, or in any other way except as provided for in this act.

Sec. 6. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think proper.

Act may be repealed, &c.

Passed, January 24, 1844.

An act to divorce Martha Ackerman, of the county of Bergen, from her husband, Jacob Ackerman.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract, heretofore existing between Martha Ackerman, of the county of Bergen, and her husband, Jacob Ackerman, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony.

Martha and Jacob Ackerman divorced

Passed, January 25, 1844.

A supplement to an act entitled "An act to provide for voting by ballot in the township of Franklin, in the county of Bergen," passed March 11th, 1841.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the time specified in the third section of the act to which this is a supplement, for closing the poll, shall hereafter be at four o'clock in the afternoon.

Poll to be closed at 4 o'clock.

Sec. 2. *And be it enacted*, That so much of the said third section as refers to the time of closing the poll, be, and the same is hereby repealed.

Part of former act repealed.

Passed, January 25, 1844.

AN ACT to ratify and confirm the sale of the real estate of Silas Young, deceased, late of the county of Morris.

Preamble.

WHEREAS, it is represented to the legislature that Silas Young, late of the county of Morris, deceased, departed this life on or about the first day of November, eighteen hundred and thirty-five, having first made and published his last will and testament in writing, duly executed, to pass real estate, and therein and thereby did direct his executors to sell such portions as would support his wife and children, if the use of certain property therein mentioned would not support them, and directing the said property to be equally divided among his children, and appointing Charles Matthews, and one William Hopping, now deceased, his executors, which said will was duly proved by the said Charles Matthews, who was duly authorized, and did take upon himself the administration of the estate of said deceased testator, Silas Young. *And whereas*, it is represented that the said Silas Young's wife, Mary B. Young, has since departed this life, and also William Young, one of his children, leaving Harriet W. Young, and Arthur Young, minors under the age of twenty-one years, his only children, and that it was for the interest of the said infant children, and for the said estate, that the whole of the said real estate should be sold together, and that the said executor, Charles Matthews, did sell and convey the said real estate to one Calvin S. Dennis, for a full and valuable consideration; *And whereas*, doubts have arisen whether the said last will and testament of the said Silas Young, deceased, authorized the said sale and conveyance of the whole of the said real estate, in manner aforesaid, and the said executor having prayed that an act might be passed confirming the sale and conveyance so made as aforesaid, by him to the said Calvin S. Dennis, and the said petition appearing reasonable, therefore—

Sale made
valid, upon
Executor
giving bond.

Sec. 1: *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That upon the said Charles Matthews, executor as aforesaid, entering into bond to the ordinary

or Surrogate General of this state in such sum and with such security as the Surrogate of the said county of Morris shall approve, conditioned for the faithful performance of the trust reposed in him, to be filed in the office of the said Surrogate, the aforesaid sale and conveyance of the said real estate of Silas Young, late of the county of Morris, deceased, from the said Charles Matthews, as executor as aforesaid, to the said Calvin S. Dennis, be, and the same is hereby confirmed and made valid, and binding in law upon said children and their respective heirs and assigns, and all other person or persons claiming, or to claim, by, from, through or under them, or any of them, or by, from, through, or under the aforesaid last will and testament of the said Silas Young, deceased; and in case the said bond shall become forfeited, it shall and may be lawful for the Surrogate General of this state to cause the same to be prosecuted at the request, and for the benefit, and at the proper costs and charges, of the person or persons aggrieved by such forfeiture.

Bond may be prosecuted if forfeited.

Passed, January 25, 1844.

AN ACT to divorce Stephen D. Hunting, of the county of Morris, from his wife Eugenia C. Hunting.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Stephen D. Hunting, of the county of Morris, and Eugenia C. Hunting, his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.

Stephen D.
and Eugenia
C. Hunting-
divorced.

Passed, January 26, 1844.

AN ACT to divorce Rachel Blauvelt from her husband
Abraham Blauvelt.

Rachael and
Abraham
Blauvelt di-
vorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Rachel Blauvelt of the county of Passaic, be, and she is hereby divorced from her husband Abraham Blauvelt, and that the marriage contract heretofore existing between them be, and the same is hereby absolutely dissolved; *provided,* that the issue of their marriage shall not be deemed illegitimate in consequence of this act.

Rachael
Blauvelt to
be guardian
of infant
children.

Sec. 2. *And be it enacted,* That the infant children of the said Abraham Blauvelt and Rachel his wife, be, and they are hereby committed to the care and guardianship of the said Rachel Blauvelt; and that the said Abraham Blauvelt shall not have or exercise any power or control over the issue of said marriage for or by reason of paternity, and that he be, and is hereby released from all and every civil obligation, to support and maintain his said children.

Passed, January 26, 1844,

AN ACT to divorce Norman A. Freeman, of the county
of Hudson, from his wife Susan M. Freeman.

Norman A.
and Susan M.
Freeman di-
vorced.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Norman A. Freeman, of the county of Hudson, and Susan M., his wife, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony.

Passed, January 26, 1844.

AN ACT to incorporate "The Temperance Union Beneficial Society of Burlington, New Jersey."

WHEREAS, a number of the inhabitants of the township of Burlington, in this state, have formed themselves into an association, or society, to which they have given the name of "The Temperance Union Beneficial Society of Burlington, New Jersey," the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty, or other cause, be rendered incapable of attending to their usual trade or calling; and, also, towards the decent interment of deceased members, or the deceased wives of members; *And whereas*, it is believed an act of incorporation will promote the objects of the Society, and add to the security of the property thereof:—therefore,

Preamble..

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Thomas Hancock, Lewis C. Leeds, Joseph Kerlin, George Gaskill, Joseph L. Powell, Jacob Laumaster, Joseph L. Wright, Samuel Fort, and such other persons, not exceeding at any one time five hundred, as now are, or hereafter may become members of said society, be and they are hereby ordained, constituted and declared a body corporate and politic, in act and in law, by the name, style and title of "The Temperance Union Beneficial Society of Burlington, New Jersey;" and by that name, they and their successors shall have continual succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name as aforesaid, under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, or touching and concerning the objects of the said incorporation.

Names of corporators.

Style of incorporation.

Powers ..

Sec. 2. *And be it enacted*, That, for the more effectual

Officers of incorporation.

accomplishment of the objects of the said corporation, there shall be a President, Vice President, Secretary, Treasurer, and such other officers and assistants as shall be deemed necessary; who shall be elected annually by ballot, by a majority of the members present, at a meeting convened for that purpose, of which two weeks public notice shall be given.

What real and personal estate may be held.

Sec 3. *And be it enacted*, That the estate and property of what kind soever the same may be, now held, or which may be hereafter held by the said society, shall be vested in the body politic and corporate hereby created; which said body politic and corporate shall, by their name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, possess and convey, for the use and benefit of said association, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same; *provided*, that the clear yearly value or income of the real and personal estate of the said corporation shall not exceed two thousand dollars.

May make Constitution and by-laws.

Sec. 4. *And be it enacted*, That the said corporation be and they are hereby authorized and empowered to make, adopt and use, and from time to time to alter, amend or change, as by them may be deemed expedient, such general form of constitution and by laws, for the transaction of the business, and for effecting the purposes and objects of the society aforesaid, as to the members thereof, or a majority of them, when duly convened, shall be deemed right and proper; *provided*, that nothing in said constitution and by-laws shall be repugnant to the constitution and laws of the United States or of this state.

Proviso.

Objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities or otherwise, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided for in the constitution and by-laws of said Society; and such other necessary expenses as may accrue in carrying into effect the objects set forth in the preamble, and in this, as well as in the foregoing sections of this act; and that no part of the funds of said corporation shall be used for banking purposes, or in other way, except as provided for in this act.

Sec. 6. *And be it enacted,* That this act shall go into effect immediately after the passage thereof, and that it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act as they shall think proper.

Act when to take effect.

Passed, January 26, 1844.

AN ACT to establish a new Township in the county of Gloucester, to be called The Township of Spicer.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That all that part of the townships of Woolwich and Greenwich, in the county of Gloucester, which is within the following limits, to wit: beginning in the middle of Oldman's creek, in the division line between the counties of Gloucester and Salem, and running a north east direction between lands of Thomas Edwards, Benjamin H. Lippencott, John Lippencott, Benj. P. Lippencott, Joseph Pullinger, John Batten, and Phineas Kirkbride on the east, and lands of Nathan M. Robbins, Jacob Howey, Thomas Ballinger, Charles Batten, and George Batten on the west—crossing Raccoon creek on the west side of the line or corner, between lands of Bernard B. Vanlear, and Jeremiah Adams, and continuing by a straight line to a marked tree to the head of a south branch of Repaupo creek, west of Joseph Stout's house in the line between the townships of Woolwich and Greenwich; thence by a straight line to a wall in the corner of Benjamin Gooden's lot on the east side of the Cumberland road, at Cox's hill; thence by a straight line to the Greenwich and Franklin township line, in the middle of the main road leading from Mulleca Hill to Glassboro'; thence south west, bounding on said Franklin township, to the head of the aforesaid Oldman's creek; thence down the middle of the same, by the several courses thereof, to the place of beginning—shall be, and the same is hereby set off from the townships of Woolwich and Greenwich,

Boundaries of township.

and established into a new township, to be known by the name of the township of Spicer.

Inhabitants
Incorporated.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Spicer shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The Inhabitants of the Township of Spicer, in the county of Gloucester;" and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Gloucester, are, or may be entitled or subject to, by the laws of this state.

Time and
place of first
town meeting

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Spicer shall hold their first annual town meeting at the house of Mary Wood, at Mulleca Hill, in said township of Spicer, on the day appointed by law for holding the annual town meetings in the other townships in said county of Gloucester.

Township
committees
to allot money,
property, &c.

Sec. 4. *And be it enacted*, That the township committees of the townships of Spicer and Woolwich, shall meet on the Monday next after their annual town meetings, at the Inn now kept by Samuel Rice, in the township of Woolwich, at 1 o'clock, P. M., and shall then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships, all the property or moneys on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of said townships at the last assessment; and again, in like manner, the township committees of the townships of Spicer and Greenwich, shall meet on the Tuesday next after their annual town meetings, at the Inn of Samne Sailer, in the township of Greenwich, at 1 o'clock, P. M., and when so met, shall proceed to make division in like manner as in the case of Woolwich; and the inhabitants of the said township of Spicer shall be liable to pay their just proportion of the debts, and maintain and support the paupers which may be allotted to them; and if any of the persons composing either of said township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority present, shall be final and conclusive; *provided*, that it shall and may be lawful for a majority of said committee to adjourn to such time and place as they may direct.

Provide.

Sec. 5. *And be it enacted*, That nothing in this act shall

be so construed to impair or in anywise affect the right of said Spicer township, of, in and to any portion of the surplus revenue of the General Government, to which the said township may now or at any time hereafter be entitled, in the distribution of said surplus revenue. Rights of township to surplus money not impaired.

Sec. 6. *And be it enacted*, That this act shall take effect on the second Wednesday of March next, and not before. Act when to take effect.

Passed January 26, 1844.

AN ACT to confirm the last will and testament with the codicil thereto, of Hiram Garretson, late of the township of Hillsborough, in the county of Somerset, deceased.

WHEREAS, Hiram Garretson, late of the township of Hillsborough, in the county of Somerset, in this state, in and by his last will and testament, in writing signed, sealed and published in the presence of two subscribing witnesses, bearing date the sixteenth day of April, in the year of our Lord one thousand eight hundred and forty, did, among other things, (after giving the income of all his property to his wife Alce Garretson, during her life,) give and devise unto his wife's sister's son, John M. Quick, all his real and personal estate, and **WHEREAS**, on the eleventh day of October, in the year of our Lord one thousand eight hundred and forty-one, he made his codicil, in which he ratified and confirmed his said will, except where the same was revoked by the said codicil, but did not revoke the devise to the said John M. Quick, and **WHEREAS**, by reason of there being but two subscribing witnesses to the said will, and but two subscribing witnesses to the said codicil of the said Hiram Garretson, deceased, the same is insufficient to pass real estate, and the said devise therein to the said John M. Quick, of his land and real estate is void and unavailing, and thereby the clear intention of the said testator, Hiram Garretson, deceased, has been entirely defeated, and it appearing by the petition of the said John M. Quick, verified by affidavit, that the intention of the said testator, Hiram, Preamble.

AN ACT to divorce Marshia Karseboom of the county of Mercer, from her husband, Hermanus Karseboom.

Marshia and
Hermanus
Karseboom
divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between Marshia Karseboom, of the county of Mercer, and Hermanus, her husband, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.*

Passed January 27, 1844.

AN ACT for the relief of Henry Iszard, of the county of Cape May.

\$50 per an-
num to be
paid to H.
Iszard.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the Treasurer of this state, for the time being, shall and he is hereby authorized and required to pay Henry Iszard, of the aforesaid county, a soldier in the revolutionary war of the United States, or his order, the sum of fifty dollars per annum, to be paid to the said Henry Iszard in half-yearly payments, from the passage of this act; and the receipt of the said Henry Iszard, or his order, shall be a sufficient voucher to the Treasurer, for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.*

Passed January 27, 1844.

AN ACT for the relief of Recompence Hand of the county of Cape May.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall and he is hereby authorized and required to pay Recompence Hand, of the county aforesaid, a soldier in the revolutionary war of the United States, or his order, the sum of fifty dollars per annum, to be paid to the said Recompence Hand in half-yearly payments, from the passing of this act, during the lifetime of the said Recompence Hand, the first payment to be made on the passage of this act; and the receipt of the said Recompence Hand, or his order, shall be a sufficient voucher to the treasurer for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.

\$50 per annum to be paid to R. Hand.

Passed January 27, 1844.

AN ACT for the relief of Jeremiah Hand, of the county of Cape May.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall be, and he is hereby authorized and required to pay Jeremiah Hand, of the county aforesaid, a soldier in the revolutionary war of the United States, or his order, the sum of fifty dollars per annum, to be paid to the said Jeremiah Hand, in half-yearly payments, from the passing of this act, during the lifetime of the said Jeremiah Hand; the first payment to be made on the passage of this act, and the receipt of the said Jeremiah Hand, or his order, shall be a sufficient voucher to the treasurer for such sum of money, as he may pay by virtue of this act, in the settlement of his accounts.

\$50 per annum to be paid to J. Hand.

Passed January 27, 1844.

AN ACT to enable the owners and possessors of the meadows and flowed lands on the Passaic river and its branches, between the mill-dam at the Little Falls, and the mill-dam at Chatham, in the counties of Essex, Morris, and Passaic, to break up the reefs in said river, to widen the channel of the same, and to remove all obstructions to the free course of the water out of the said river, between the said mill-dam at the Little Falls, and one hundred yards above the two bridges.

Managers to
make assess-
ment,

Sec 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be the duty of the managers and their successors, to be appointed in the manner hereinafter directed, to assess all the flowed lands on the River Passaic and its branches, except Pompton river, between the mill-dam at the Little Falls and the mill-dam at Chatham, benefited by breaking up the reefs in said river, widening the channel of the same, wherever in the opinion of the managers it shall be necessary, and removing all obstructions to the free course of the waters out of said river between the mill-dam at the Little Falls on said river, and one hundred yards above the two bridges, for such sums of money as shall in their judgment be sufficient to break up and remove said reefs, widen said channel, and remove said obstructions, and for the expenses of assessing, collecting, and expending the same. —

Assessments
when paya-
ble.

Sec. 2. *And be it enacted,* That the said managers, or a majority of them shall make a fair and reasonable assessment of all the above flowed lands, whether in the hands of the owners and possessors, in proportion as well to the quantity each person is possessed of, as the benefits each person may receive therefrom; which assessment shall be payable in three equal instalments, the first not to be paid sooner than thirty days, the second not sooner than six months, the third not sooner than twelve months; and the managers, or one of them, shall give notice to the owner or possessor; and if such owner or possessor shall think him, her, or themselves aggrieved by any assessment made by virtue of this act, it shall and may be lawful for such person or persons to apply to Abraham Britten, Silas Tuttle and Justice A. Burnit, who are hereby appointed commissioners of appeal, to meet for the purpose of examining all taxes on lands supposed to be over-taxed, giving notice to the managers appointed at least three

days previous to the meeting of the said commissioners of appeal; and if it appears to them that such person or persons are overtaxed, to strike off such sum or sums as shall appear too much, together with such part of the expenses of said attendance as they shall think just and right; and the judgment of said commissioners, or any two of them, shall be conclusive to the parties; but the expense of ascertaining the quantity of flowed lands each person is possessed of in cases where the quantity is disputed, shall be borne by such owner or possessor, him, her, or themselves.

Sec. 3. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect or refuse for the space of forty days, after notice given them in writing, to pay the money, by one of the managers, or if they think themselves aggrieved, to procure the said commissioners of appeal to meet and determine the same, that *then it shall be lawful* for the managers, or any one of them, to make return of the name or names of the person or persons, with the sum he, she, or they were taxed, or which shall be judged to be due by said commissioners of appeal, to any justice of the peace in the county where such person or persons reside; which justice, upon the oath of one of the managers, that the tax has been demanded twenty days previous thereto, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him within thirty days, to seize upon the goods and chattels not reserved by law, of such delinquent or delinquents, and to make sale of the same, or so much thereof as may be sufficient to pay the sum assessed, together with the costs, and to pay the same to the managers or one of them; and when no goods and chattels of any delinquent owners and possessors can be found, or not sufficient of the same to pay the assessments of such delinquent or delinquents, then commanding said constable to enter upon his, her, or their said meadow and flowed lands, and within the time aforesaid to make sale, by giving ten days' notice thereof by advertisement set up in three of the most public places in the neighborhood of said meadows and flowed lands, of the timber or herbage, or both, standing and growing upon the same, or so much thereof as shall be sufficient to pay the assessments aforesaid, and the costs accruing thereon; and shall pay over the same to the managers: and the said constable shall make return of said execution within three days after the expiration of said thirty days, and the justice and constable shall receive the same fees, and be liable to the same penalties as in actions of debt.

Proceedings
in case of
neglect or re-
fusal to pay
taxes &c.

Sec. 4. *And be it enacted*, That when the said constable

Lands of delinquents may be sold for a term of years.

shall make return that no goods and chattels, or timber and herbage, standing and growing on said meadows and flowed lands of such delinquent or delinquents could be found, or not a sufficient amount of the same to pay such assessments as aforesaid, that then, for the security of the money so assessed, the meadow and flowed lands of such delinquent and delinquents, shall be a pledge for the payment thereof, into whose hands soever the same may come; and the said managers may, for the recovery of the sum or sums of money so assessed, and for the costs made as aforesaid, sell, by public vendue, for a year, or a term of years, the meadow or flowed lands of such delinquent owner or possessor, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time that will raise the unpaid sum or sums, with costs and expenses attending such delinquency; and it shall be the duty of the managers to give at least thirty days' previous notice, in three of the most public places in the neighborhood of said meadow and flowed lands, by advertisements before they proceed to sell or lease the property of any delinquent owner or possessor; *provided nevertheless*, that such delinquent or delinquents shall have the privilege of redeeming his said land, so leased, by paying to the lessee the sum or sums of money so paid for the same, together with the costs and interest that shall have accrued thereon, within six months from the time of leasing the same.

Proviso.

Managers to make annual statement of accounts, &c.

Sec. 5. *And be it enacted*, That the said managers shall, in a book kept for that purpose, keep a regular account of the money they have received, the payments they have made, and the expenses they have been at, which account they shall lay before a committee, to be chosen by the owners and possessors, on the first Monday in May; in the year of our Lord one thousand eight hundred and forty-four, and on every first Monday in May thereafter; until said river shall be widened, and said reefs and obstructions be removed; and said managers shall be liable for all money by them received; but not applied for breaking up said reefs, removing said obstructions, and widening said channel, and shall deliver the balance in their hands, together with said book and other papers, to their successors in office; and on their refusal or neglect to do the same, shall be liable to an action of debt, to be sued for and recovered by said committee in their own names, in any court where the same may be cognizable, to be applied to the objects hereinbefore mentioned.

Managers may enter upon lands, &c.

Sec. 6. *And be it enacted*, That the said managers shall have power to enter upon any lands necessary, and break up any reef or reefs in the said river; and shall also widen

the channel of the same wherever in the opinion of the said managers it shall be necessary, so as to be of sufficient width and depth to drain the waters off the meadows and flowed lands aforesaid, and to remove all obstructions to the free course of the waters out of said river, between the mill-dam at the Little Falls and one hundred yards above the Two Bridges, the limits above specified; the reef to which the dam is attached at Little Falls not to be included in the above provision.

Sec. 7. *And be it enacted,* That when the said managers cannot agree with the owner or owners and mortgagees of the land on which the said reefs are situated for a remuneration of the said damages to be sustained, or supposed to be sustained, by such removal, or when, by reason of the legal incapacity or absence of such owner or owners and mortgagees, no such agreement can be made, then the said managers shall make application, in writing, to one of the justices of the supreme court of this state, for the appointment of commissioners to assess the said damages; which application shall be made on ten days' notice to the said owner or owners and mortgagees, if they reside in this state, or in case such owner or owners and mortgagees reside out of this state, then by public advertisement, in a newspaper published in the city of Newark, for three weeks at least, once in each week, of the time and place of such application, at which time, upon satisfactory evidence to him of the service or publication of such notice, the said justice shall appoint under his hand and seal, three disinterested, impartial, and judicious freeholders, residents in the counties of Morris, Essex, or Passaic, commissioners to examine and assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than five days; and it shall be the duty of such commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and proceed to examine and ascertain the said damages, and make a just and equitable assessment of the said damages, and determine what portion thereof shall be paid to the owners, and what to the mortgagees of said land; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and ready to be delivered to the respective parties within twenty days after the meeting of the said commissioners as aforesaid; and the amount of said damages so ascertained, shall be paid or tendered to the parties enti-

Disputes relative to damages how settled.

tled to the same, prior to any work being done for the removal of the said reefs, and the money required therefor shall be raised by an assessment upon the owners of the said overflowed lands, in the manner provided by the first and second sections of this act.

Time and
mode of elec-
tion of offi-
cers.

Sec. 8. And be it enacted, That the owners and possessors of said meadows and flowed lands, shall on the first Monday in May; in the year of our Lord one thousand eight hundred and forty-four, at one o'clock in the afternoon, meet and assemble at the house now kept as an inn by William B. Speer, in the township of Caldwell, in the county of Essex; and on every succeeding year at the same time and place, unless those present shall, at their first or any subsequent meeting appoint another time and place, then it shall be held at such other time and place, and then and there choose by ballot a moderator and clerk, and any number of persons, not less than three, nor more than five, to be managers for the ensuing year, and also three persons as a committee to examine and settle the accounts of said managers; and all persons entitled to vote, may vote in person or by proxy, and shall be entitled to vote according to the number of acres they may severally own and possess of the said meadows and flowed lands, allowing one vote for each acre of land they may so own or possess.

Managers re-
fusing to act
—penalty for

Sec. 9. And be it enacted, That if any person who shall be appointed or chosen as a manager, in pursuance of this act, and shall accept the said appointment, shall neglect or refuse to do any thing hereby enjoined, he shall forfeit and pay the sum of fifty dollars, to be sued for and recovered by any succeeding manager, whose duty it shall be to prosecute and recover the same with costs, in an action of debt in any court of competent jurisdiction; which sum, when collected, shall be applied to the objects above specified: and in case any vacancy shall happen, by death or otherwise, of one or more of the managers or commissioners of appeal, it shall be the duty of the managers, their survivor or survivors, to advertise in six of the most public places nearest said river for four weeks, appointing a time and place for the owners and possessors to meet, and choose some person or persons to supply the vacancies in the board of managers, or to choose some disinterested person or persons to supply the vacancies in the board of commissioners aforesaid, as the case may be; which owners and possessors, when so met, shall have power to choose such manager or managers, commissioner or commissioners; in making such choice shall vote as aforesaid, and the said persons, when so chosen, shall have all the

Vacancy how
supplied.

privileges, and be subject to all the penalties, as those whose places they are chosen to supply.

Sec. 10. *And be it enacted*, That if the owners and possessors of said land shall neglect to meet and elect managers, and three persons to be a committee as aforesaid, that in such case the managers and committee for the preceeding year shall continue in office and have the same powers as before, until new ones are chosen. Former managers to act until others are chosen.

Sec. 11. *And be it enacted*, That if any person or persons or corporate bodies, shall raise any dam, already constructed, any higher, or erect any new dam, or otherwise in any manner obstruct the waters of the said river, between the Little Falls and Two Bridges, he, she, or they so offending shall forfeit and pay the sum of fifty dollars for every week they shall continue the said obstructions, together with all damages, to be sued for and recovered in any proper form of action, in any court having cognizance of the same; with costs of suit, to be applied to removing the said reefs, widening the said river, and removing all obstructions as aforesaid; and the managers for the time being are hereby enjoined and authorized to prosecute for the same, in their own name or in the name of any one of them. Penalty for obstructing waters of river.

Sec. 12. *And be it enacted*, That it shall be the duty of the said managers to confer with the owner or owners and mortgagees of the mill-dam or reefs at the Little Falls, and ascertain for what sum or sums of money the same can be purchased, or any part thereof, to a sufficient level to drain the lands aforesaid; and if in their opinion the propositions of the said owner or owners, or mortgagees, may make, shall seem reasonable and not excessive, that then it shall and may be lawful for the said managers for the time being to call a meeting of the owners of the flowed lands aforesaid, by giving twenty days' notice, by advertisements put up in ten of the most public places in the vicinity of said lands, and signed by the said managers, or a majority of them; and it shall be lawful for said meeting when so met, or a majority of those present, to authorize and empower the said managers, and their successors in office, to purchase the said mill-dams and reefs, or any part thereof, they may think necessary, in their own names, to the use of the owners of the meadows and flowed lands aforesaid, and the said managers and their successors in office, shall raise the consideration money in the manner herein before directed. Managers may be authorized to purchase lands.

Sec. 13. *And be it enacted*, That the said managers, for the services performed by them under this act, shall receive Compensation for managers.

ceive such compensation as the land-owners and possessors shall direct at their annual meeting.

Act to be
taken as pub-
lic act.

Sec. 14. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall be recognized as such in all courts and places whatever, and shall go into effect immediately after the passage thereof.

Passed February 1, 1844.

A Further Supplement to the act entitled "An act to incorporate the City of Newark.

Lands sold
under former
acts may be
redeemed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That, at any time before the expiration of one year from the sale of any real estate, under the act entitled a further supplement to the act entitled "An act to incorporate the city of Newark," passed March 4th, 1841, any person having a legal or equitable interest in said premises may redeem the same by paying or tendering to the purchaser the amount paid by him for the said premises, to the collector of arrears of taxes, with the addition at the rate of twelve per cent. per annum thereon, from the time of such sale. If the said purchaser or his duly authorized agent shall accept the same, he shall deliver up to such person or his duly authorized agent the deed executed by the collector of arrears of taxes, and delivered to the purchaser, together with a receipt thereon, for the amount so paid, and acknowledged in the manner in which deeds are required by law to be acknowledged; and upon the filing of such deed, receipt and acknowledgment in the Clerk's office of the county of Essex, the lien of such purchaser on said premises shall be ended; and the purchaser, his heirs and assigns shall peaceably render up the said premises to the lawful owner or owners thereof; and if the purchaser be a non-resident of said city, or if he cannot be found on due enquiry and notice published in one of the newspapers of said city three times successively, or if he shall

Proceedings
in case of re-
fusal to give
up deed, &c.

refuse to receive the said amount which shall be so tendered, and to deliver up the said deed and give such receipt acknowledged as aforesaid, the owner of such premises may make affidavit thereof, before any officer authorized to administer oaths, and upon delivering such affidavit to the Treasurer of the City of Newark, the amount to be paid for the purpose of redeeming the said premises, may be paid to the said Treasurer, who shall give a receipt for the same annexed to the said affidavit, specifying the purpose for which the same has been so paid; and certify thereon that the requisitions of this section have been complied with, if upon due enquiry he shall have good cause to believe that such is the case; and upon the filing of such affidavit and certificate in the said Clerk's office (the said certificate being first acknowledged as aforesaid) the lien of the said purchaser, his heirs and assigns on such premises shall cease and be void, and he and they shall peaceably and quietly render up the said premises to the lawful owner or owners thereof; and the said Treasurer, on demand, shall pay over to the person or his legal representatives to whom the said premises were conveyed by the collector of arrears of taxes, the said monies received by him, as aforesaid, excepting the sum of fifty cents, which he shall or may retain for his services in such matter.

Passed, January 26, 1844.

AN ACT to enable the owners and possessors of flowed lands on the Passaic River and its branches, between the mill-dam at Chatham, and Horse Neck Bridge, in the counties of Essex and Morris, and also certain owners and possessors of land lying in the long meadows, in the township of Caldwell, in the county of Essex, to dig a canal or ditch from the said river at Pine Brook, in a direct course, to intersect the river again near the Deepavaal Bridge, to drain said lands, by diverting a part of the waters of said river from their present channel.

commissioners, or any two of them, and paid, if the assessment be affirmed by the said owner or possessor; otherwise, by the said managers out of the funds raised by the assessments aforesaid in their hands.

Proceeding in
case of neg-
lect to pay
assessment.

Sec. 4. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect, for the space of thirty days after the time of meeting of the commissioners of appeal, to pay the money so assessed or taxed against them, then it shall be lawful for the managers, or one of them, to make return of the name or names of the person or persons, with the sum so assessed against such person or persons respectively, or which shall be determined to be due by said commissioners of appeal, to any justice of the peace in the county where such person or persons reside; which justice, upon the oath or affirmation of one of the managers, that the tax or assessment has been demanded ten days before the making of said return, shall immediately issue his warrant of distress, directed to some one of the constables of said county in which such delinquent owner or owners, possessor or possessors may reside, commanding him, within thirty days, to seize upon the goods and chattels not reserved by law of such delinquent or delinquents, and upon giving fifteen days notice thereof by advertisements set up in three of the most public places in the neighborhood, to make sale of the same, or so much thereof as shall be sufficient to pay the said assessments and costs accruing thereon, and to pay over the same to the said managers or one of them; and if no goods and chattels can be found, or not sufficient of the same to pay the assessment of such delinquent or delinquents, then to enter upon his, her, or their meadows and flowed lands, and by giving notice by advertisements as aforesaid, in three of the most public places in the vicinity of said lands, to make sale of the timber or herbage, standing and growing upon the same, or so much thereof, as shall be sufficient to pay the said assessments aforesaid, and the cost accruing thereon, and to pay over the same to the managers or one of them; which execution shall be returned within forty days from the date thereof; and the justice and constable shall be entitled to the same fees as for issuing and serving an execution in debt in the court for the trial of small causes; and for any neglect or violation of the duty hereby imposed upon said justice and constable, they shall severally be subject to the same actions, liabilities, and penalties as for like neglect or violations, under the "Act constituting courts for the trial of small causes," passed February twelfth, eighteen hundred and eighteen, and the several supplements thereto.

Sec. 5. And be it enacted, That when the said constable shall make return that no goods and chattels or timber and herbage standing and growing upon the said meadows and flowed lands of such delinquent or delinquents could be found, or not a sufficient amount of the same to pay such assessments as aforesaid, that then, for the security of the money so assessed, the meadow and flowed lands of every such delinquent and delinquents shall be a pledge for the payment thereof, into whose hands soever the same may come; and the said managers may, for the recovery of the sum or sums of money so assessed, and for the costs made as aforesaid, sell by public vendue, for a year or term of years, the meadow or flowed land of such delinquent owner and possessor, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time that will raise the so unpaid sum or sums, with costs and expenses attending such delinquency; and it shall be the duty of the managers to give at least thirty days previous notice, in three of the most public places in the neighborhood of said meadows and flowed lands, by advertisement, before they proceed to sell or lease the property of any delinquent owner or possessor; **PROVIDED, NEVERTHELESS,** that such delinquent or delinquents shall have the privilege of redeeming his said land so leased, by paying the lessee the sum or sums of money so paid for the same, together with the costs and interest that shall have accrued thereon, within six months from the time of leasing the same.

Lands of delinquents may be sold for a term of years.

Proviso.

Sec. 6. And be it enacted, That the said managers, their agents and servants, and all persons employed by or under them, for the purposes contemplated by this act, shall be, and are hereby invested with full power and authority, to enter upon any lands necessary, and lay out a ditch or canal, beginning at the river at or near Pine Brook, and running thence as nearly in a direct course to intersect the said river again near the Deepavaal bridge, as will in their judgment make the digging of the said ditch or canal the least expensive to the owners and possessors of the flowed lands aforesaid, as will best carry off the water, and drain the lands aforesaid it is intended to benefit, and as will the least injure the lands of those persons through which the said ditch or canal is to run; and that the said ditch or canal may be laid out and dug of such size and dimensions, as the said managers may think necessary for effectually draining the said meadows and flowed lands; **Provided,** that said ditch shall not be laid out and dug with less than ten, nor more than thirty feet bottom; and the said managers may direct and cause the earth taken therefrom, to be thrown on both sides

Managers, &c authorized to enter upon lands, &c.

Proviso.

or either side of said ditch, as they may judge necessary; and the said managers are hereby authorized and empowered to raise all such sums of money, by one or more assessments, in the manner hereinbefore directed, as will be sufficient, in their judgment, to lay out and dig the said canal or ditch, and also for the expense of assessing and collecting the same; and for all other necessary expenses contemplated in this act; *Provided*, also, that no water from the river at Pine Brook shall be let into the said ditch or canal, until the upper reef in the said Passaic River in the vicinity of the mill dam at the Little Falls shall be lowered eight inches, in conformity with the provisions of an act entitled "An Act to enable the owners or possessors of the meadows and flowed lands on the Passaic River and its branches, between the mill dam at the Little Falls and the mill dam at Chatham, in the counties of Essex, Morris and Passaic, to break up the reefs in said river, to widen the channel of the same, and to remove all obstructions to the free course of the water out of the said river, between the said mill-dam at the Little Falls, and one hundred yards above the two bridges.

Proviso.

Disputes relative to damages, how settled.

Sec. 7. *And be it enacted*, That if any of the owners of land through which the said canal or ditch shall pass, shall conceive themselves injured thereby, and the parties cannot agree for the compensation and damages to be made for the same, then it shall be lawful for the owners of said land to meet at the house now kept by Wm. B. Speer, in Caldwell township, in the county of Essex, on ten days notice being given, by advertisements, signed by the said managers, or a majority of them, put up in five of the most public places in the vicinity of said canal or ditch; and to choose one respectable freeholder in the county of Essex, not interested, and the said managers shall also choose one respectable freeholder, not interested, who, in case of their disagreement, shall have power to choose an umpire, and who, together with the said umpire, if chosen, or a majority of them, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, shall determine, at the expense of the managers, the amount of the compensation, which shall be paid by the managers, to such of the applicants as they shall conceive to be injured, on which payment or tender thereof to the owner or owners, the managers shall become seized in the same estate in the said lands, which the owner or owners held in the same; but if the owner or owners of any land, through which the said ditch or canal is to pass, will not agree to any of the provisions heretofore made, or refuse or neglect to join in such choice, or shall be feme covert, under age, or of unsound mind, or out of the state,

or in case the men thus chosen shall not decide thereon, then it shall be lawful for one of the justices of the Supreme Court, upon the application of either party, and at the costs and charges of the managers, to direct a special jury of freeholders, of any township in the said county through which the ditch or canal aforesaid shall not run, to be struck before such justice, in the manner in which special juries are generally struck, who shall view, examine, and survey the said lands, tenements, and hereditaments, and estimate the injury and damage sustained as aforesaid; and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the Supreme Court, by the sheriff of said county in which the inquisition is taken; and it shall be the duty of such sheriff, to attend before the said justice, with the book of the freeholders, at such time and place as the said justice shall appoint, upon reasonable notice being given him for the purpose of striking such jury; and also, upon like notice, to have the jury upon the premises in question, at the time mentioned in said notice, and to administer the oath or affirmation to said jurors; and the said sheriff and jurors shall be entitled to the like fees for their services, as are allowed by law in other cases of special juries; and upon the coming in of such inquisition or report, and the confirmation thereof, and the said managers paying to the said owners respectively the sums in such report, in full compensation for such lands, or for the injury sustained as aforesaid, the managers shall become seized in the same estate in the said lands which the owners held in the same; and they and all who have acted under them, shall be acquitted and freed from all responsibility for and on account of such injury; *provided*, that the payment of damages aforesaid, for land through which the said ditch or canal may be laid, or tender thereof be made, before the said managers, or any person under their direction, or in their employ, enter upon and break ground in the premises, except surveying and laying out said ditch or canal, unless the consent of the owner of such land be first obtained.

Proviso.

Sec. 8. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered, from time to time, and at all times, when it shall be necessary, to clear out any obstructions in the said ditch or canal, formed by the mud or dirt washing in, or by the banks of the same caving in, or whatever said obstructions may be, to remove the same, and make assessments in the manner aforesaid, from time to time, and collect all such money in manner aforesaid, as may be necessary to defray such expenses, taking care to assess the money on all the lands benefited by clearing out the same.

Managers authorized to clear obstructions.

Alice A. Voorhees and Jane Maria, his wards, in fee simple, and execute a deed or deeds thereof, and therefor, which shall be as good and effectual to grant, sell and convey, and assure the said lands, tenements and real estate, and hereditaments and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds were made by the said Alice A. Voorhees and Jane Maria, the wards themselves, after they and each of them had attained their full age of twenty-one years. *Provided always,* That such deed or deeds shall have no force or effect until the said sale or sales shall be reported to the Orphans' Court of the county of Hunterdon, and approved by the said Court.

Proviso.

Guardian to give bond.

Sec. 2. *And be it enacted,* That before the execution of the said deed or deeds, the said John Marlow shall, together with sufficient security, to be approved by the Surrogate of the county of Hunterdon, execute a bond to the ordinary of the State, in double the sum for which the said premises were sold, conditioned for the faithful application of the proceeds of the said sale, according to law.

Proceeds of sale, how disposed of.

Sec. 3. *And be it enacted,* That the said John Marlow, guardian as aforesaid, shall invest the money arising from the sale of the said premises, after deducting therefrom all reasonable and legal costs and charges which he may have incurred by or on behalf of the said minors, the same having been first audited and allowed by the Surrogate of said county of Hunterdon, in such manner and in such security as shall be approved by the Orphans' Court of said county, and the said guardian may apply the interest and profits accruing from the balance of monies herein directed to be invested, towards the support and education of the said minors, but no part of the principal sum shall be expended for or on account of the said minors during their minority.

Act when to take effect.

Sec. 4. *And be it enacted,* That this act shall take effect immediately after the passage of the same.

Passed January 31, 1844.

AN ACT to incorporate the Washington Manufacturing- Company of the city of Camden.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John W. Mickle, William Folwell, Philip J. Gray, ———, David S. Brown, Charles W. Churchman, Joseph R. Evans, Gideon Scull, Lewis R. Ashurst, John Siter, and their associates and successors are hereby made and created a body politic and corporate in law, by the name of "The Washington Manufacturing Company," for the purpose of manufacturing, bleaching and printing all goods, of which cotton or other fibrous materials form a part, and all the machinery incident thereto, and for the transaction of such business as may be necessarily connected therewith, and may erect such mills and other works as may be required to carry on such branches of manufacture, and they shall have power to raise by subscription a capital of five hundred thousand dollars.

Names of
corporators.

Style of In-
corporation.

Powers.

Sec. 2. *And be it enacted,* That the said corporation may purchase and hold such real estate in the city of Camden, or within three miles thereof, as may be required for the purposes of the said corporation, and may dispose of the same, and may sue and be sued in all courts of law and equity; may have and use a common seal, and make such bye-laws for their regulation and government as they see proper, provided the same are not inconsistent with the constitution and laws of the United States, or of this State.

May hold
real estate, &c.

Sec. 3. *And be it enacted,* That the said corporation shall not go into operation until one hundred and twenty-five thousand dollars of the capital stock shall be first paid in gold or silver coin, or current bank notes, and an affidavit thereof shall be made by a majority of the associates, named in the first section of this act, and filed in the office of the Secretary of this State.

When to go
into operation.

Sec. 4. *And be it enacted,* That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation, and no part of the said capital stock shall at any time, or upon any pretence whatever, be divided amongst the stockholders for dividends, and no dividend shall be made or paid, except from the actual profits; and each stockholder shall in the election of Directors, have one vote for each share of stock he holds in said company.

Capital stock
to be deemed
personal es-
tate.

Capital stock
not to be re-
funded until
debts are
paid.

Sec. 5. *And be it enacted*, That no part of the capital stock shall be withdrawn or refunded to the stockholders, until all debts and liabilities of the company are fully paid, and in case of any violation of the provisions of this section, the president, directors and stockholders of said corporation, shall be personally liable in their own estate jointly and severally for all debts previously contracted and due from said company.

Books to be
opened for
subscriptions.

Sec. 6. *And be it enacted*, That John W. Mickle, William Folwell, David S. Brown, Charles W. Churchman, and Gideon Scull, or any three of them may open books and take subscriptions for the capital stock, first giving two weeks notice previously, in a newspaper published at Camden, of the time, place and object of said meeting; and the stockholders at a meeting to be called in like manner, after the stock is taken as aforesaid, may proceed to elect by a plurality of those present or legally represented, such directors, officers and agents, as may be deemed necessary for conducting the affairs of the company.

Directors to
make annual
statement.

Sec. 7. *And be it enacted*, That in the month of May, annually, the directors shall submit to the stockholders, a written statement under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against the company, and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent, and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in; and in case of any violation of the provisions of this section, the President, Directors and Stockholders shall be personally liable in their own estate, jointly and severally, for all debts of the company previously contracted and then unpaid.

Capital not
to be employ-
ed in banking

Sec. 8. *And be it enacted*, That no part of the capital stock or any of the funds of the said corporation shall at any time during the continuance of this charter be used or employed directly or indirectly in banking operations, or for any purpose whatever, inconsistent with the provisions of this act.

Limitation of
act.

Sec. 9. *And be it enacted*, That this act shall continue in force thirty years and no longer, but it shall and may be lawful for the Legislature of this State to alter, modify or repeal the same; whenever, in their opinion, the public good requires it.

Passed January 31, 1844.

AN ACT to incorporate the Eaton Town Steamboat Company.

WHEREAS, John P. Lewis and others, in April last, associated as a company, under the name of the Eaton Town Steam-Boat Company, and purchased a steamboat, which they have put into operation, and continued to run between Eaton Town landing and the city of New York, up to the present time, and have prayed to be incorporated, for the purpose of managing and conducting the business and concerns of the said company. Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state and it is hereby enacted by the authority of the same*, That John P. Lewis, Ethan A. Fay, George A. Corlies, Edwin Lewis, William Kelly, John Howland, Benjamin Woolley, Deborah and Leah Parker, Robert C. White, John P. Corlies, Cornelius P. Hulick, Peter Casler, James H. Woolley, John T. Philips, James Mount, and John D. Hurley, and such other persons as hereafter shall be associated with them, for the purpose of conducting the business of carrying passengers and freights, by steamboats, to and from the township of Shrewsbury, and the city of New York, and their successors and assigns, be, and are hereby ordained, constituted and declared to be for the purpose aforesaid, a body corporate and politic, in fact and in name, by the name of "The Eaton Town Steam-Boat Company," for the term of thirty years, from the passage of this act; and by that name, they and their successors shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they, and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "The Eaton Town Steam-boat Company," shall in law be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this corporation. Names of
Corporators.

Style of in-
corporation.

Powers.

Sec 2. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of thirty thousand dollars, which shall be divided into shares of thirty dollars Amount of
capital stock
and how ves-
ted.

each, and eight thousand dollars thereof shall be first paid down in gold or silver coin or current bank notes, and to be employed and vested in the steam-boat which they now own, or the building or purchasing of one or more steam-boats, with steam-engines, boilers, and machinery, and all their rigging, furniture, tackle, and apparatus; and in the repairs necessary thereto, from time to time, and in the purchase of such real estate as may be necessary and convenient for steam-boat landings; that the stock of the said company shall be deemed and considered personal estate, and that nothing herein contained shall authorize and empower the said company to carry on banking business, or to use or to employ their funds, or any part thereof, or to permit the same to be used or employed in the purchase of the stock of any bank in the United States, or any other public stock, or for any other purpose, or in any manner whatsoever, not herein expressly authorized.

Present directors.

Sec. 3. *And be it enacted.* That for the better carrying into execution the affairs of the said company, there shall be for the present, five directors, who shall hold their offices from the date of the passing of this act, until there shall be a new election of directors, in pursuance of the provisions of this act; that the first five directors shall be John P. Lewis, Ethan A. Fay, Edwin Lewis, George A. Corlies, and John Howland, out of which number the said directors, at their first meeting, shall appoint their president.

Time and mode of annual election of Directors.

Sec. 4. *And be it enacted,* That after the time limited by this act for the continuance in office of the directors hereby nominated and appointed, the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by a board of directors, which shall consist of not less than five nor more than seven stockholders, who shall be annually elected on the first Saturday of May, by a majority of the stockholders, who may attend for that purpose, either in person or by proxy, at such place and time of the said day, as shall be designated by the directors for the time being, by public notice, to be published in at least one public newspaper printed in the county of Monmouth, for three weeks before the said annual election, and under such other further regulations, as the by-laws of the said corporation shall and may direct; **Provided,**—that in case it should happen that an election of directors should not be made on the day, when, pursuant to this act it ought to have been made, the said corporation for that cause shall not be deemed to be dissolved; but it shall and may be lawful on any other day to hold an election of directors, in such manner as shall have been regulated by the bye-laws and ordinances of the said corporation.

Proviso.

Sec. 5. *And be it enacted*, That the before named directors, or a majority of them, or their successors in office, shall have power, from time to time, to make, constitute, ordain and establish all bye-laws, rules, ordinances and regulations, touching the election of directors, not hereinbefore provided for, and also for the transaction of the business of the said company, not repugnant to the constitution and laws of the United States, or of this State; Provided,—that all contracts, engagements and responsibilities, entered into on the part of the said company, by the directors, or a majority of them, and signed by their president, shall be binding on the said company, in like manner as any contract would be, if made and entered into by any individual.

Directors may make constitution and by-laws.

Provide.

Sec. 6. *And be it enacted*, That no part of the capital stock of the said company, shall be withdrawn or refunded to the stockholders, nor shall any part of the real or personal estate of said corporation be sold while any debts are due from the said corporation—and the said Board of Directors shall annually in the month of May, submit to the stockholders a written statement under oath or affirmation of the amount of capital stock actually paid, with a full and complete list and inventory of all the estate, real and personal, of said corporation, the amount of all existing debts and liabilities of said company; and no dividend shall at any time be declared or paid when such payment would render the company insolvent, and the debts of said corporation shall at no time be suffered to exceed the amount of capital actually paid in, and in case of a violation of the several provisions of this section, or any or either of them, the President, Directors and Stockholders of the said company shall be personally liable in their own estate jointly and severally for all debts, liabilities and engagements of said company then existing and unpaid.

No part of capital stock to be withdrawn.

Penalty for violation of provisions of this section.

Sec. 7. *And be it enacted*, That if any subscriber or subscribers to the capital stock of this company, neglects or refuses to pay any instalment or instalments, or debts due the company, on the number of shares which he or they may have subscribed, or holders thereof, for the space of thirty days after the same may have been called for and appointed for the payment thereof, by the president and directors, by an advertisement in one of the newspapers in the county of Monmouth, for the space of thirty days previous thereto; that in such case the president and directors may declare such share or shares forfeited, and shall have full power and authority to sell and dispose of the same, for the use, benefit, and advantage of the said company, or they may in the name of the said corporation, sue for and recover the sum or sums so remaining unpaid, with costs and interest thereon; and that such

Shares forfeited in case of neglect or refusal to pay instalment.

delinquents shall not, during the time that any of the instalments aforesaid, are due and unpaid, be entitled to vote at any meeting of the stockholders, or to receive any dividends thereon.

Act may be
amended or
repealed.

Sec. 8. *And be it enacted*, That it shall be lawful for the Legislature of this State, at any time hereafter, to amend, repeal, or modify this act as they shall think proper.

Passed February 2, 1844.

An act to divorce Jane Sayre of the County of Essex,
from her husband, Daniel R. Sayre.

Jane and
Daniel Sayre
Divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Jane Sayre, of the county of Essex, be, and hereby is, divorced from her husband, Daniel R. Sayre, and the marriage contract now existing between them, be, and the same is hereby dissolved.

Passed February 2, 1844.

AN ACT to repeal the act entitled "An act to set off from the township of Harrington, in the county of Bergen, a new township, to be called the township of Washington," passed January thirteenth, A. D. 1840.

Former act
repealed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled "An act to set off from the township of Harrington, in the county of Bergen,

a new township, to be called the township of Washington," passed January thirteen, eighteen hundred and forty, be, and the same is hereby repealed; and that all that part of the county of Bergen, embraced within the limits of the township of Washington, shall be, and the same is hereby attached to, and made a part of the township of Harrington, in said county.

Sec 2. *And be it enacted*, That all the real and personal estate belonging to the inhabitants of the said township of Washington, shall belong to, and the same is hereby vested in the inhabitants of the township of Harrington, in said county, and the debts due, to or from the said inhabitants of the township of Washington, shall be received and paid by the inhabitants of the township of Harrington, in said county.

Estate vested
in township
of Harrington

Sec 3. *And be it enacted*, That the first town-meeting hereafter to be held in the said township of Harrington, shall be held on the second Monday in April next, at the house of Thomas Post, in said township.

Time and
place of hold-
ing first town
meeting.

Sec. 4. *And be it enacted*, That this act shall take effect on and after the second Monday in April next.

Act when to
take effect.

Passed Feb. 2, 1844.

AN ACT to release to Ann Daly, the right and title of the State of New Jersey to certain land and premises in the city of Newark.

WHEREAS, John Daly, an alien, late of the county of Essex, and state of New Jersey, died intestate, seized, of a certain lot of land and premises in Academy street, in the city of Newark, and State aforesaid; AND WHEREAS, it is represented that the said John Daly, left no heirs capable of inheriting the said real estate, and that the same has escheated to the State of New Jersey, under and by virtue of the laws in such case made and provided; AND WHEREAS, the said John Daly has left a widow without the necessary means of support and maintenance, THEREFORE—

Preamble.

Right of the
State of New
Jersey, re-
leased.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the right, title, interest, property, claim and demand of the State of New Jersey, of, in and to the land and premises, with the appurtenances, situated in Academy street in the city of Newark, aforesaid, of which the said John Daly died seized, is hereby granted, remised, released and confirmed unto Ann Daly, widow of the said John Daly, and to her heirs and assigns forever.

Passed February 5, 1844.

AN ACT for the relief of Susan Cook, widow of Col. James Cook, deceased, of the county of Morris.

\$40 per annum to be paid to Susan Cook.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this State for the time being, shall, and he is hereby authorized and required to pay Susan Cook, widow of Col. James Cook, deceased, of the county of Morris, an officer in the revolutionary war of the United States, or to her order, the sum of forty dollars per annum, to be paid to the said Susan Cook, in half yearly payments, from the passage of this act, during the lifetime of the said Susan Cook, the first payment to be made on the passage of this act, and the receipt of the said Susan Cook, or her order, shall be a sufficient voucher to the Treasurer, for such sums of money as he may pay by virtue of this act, in the settlement of his accounts.

Passed February 6, 1844.

AN ACT to incorporate the Millville Beneficial Society of Millville.

WHEREAS, a number of the inhabitants of the town of Millville, in the county of Cumberland, have formed themselves into an association or society, to which they have given the name of "The Millville Beneficial Society," the object of which is to create a fund to be applied towards the relief or support of such of the members thereof, as shall, by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual occupation or calling, and also, towards the decent interment of deceased members;—and whereas, it is believed that an act of incorporation will promote the objects of the society and add to the security of its property, and the said society having, by petition, presented to the Legislature, prayed to be incorporated, **THEREFORE—**

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Jacob Johnson, William Pogue, Pierson D. Socwell, Lewis Mulford Furman L. Mulford, Lewis Tredenick, David Corson, Preston Stratton and all such other persons, not exceeding at any one time five hundred, as now are, or shall hereafter, become members of said society, be, and are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the name, style and title of "The Millville Beneficial Society," and by that name they and their successors shall have continued succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity, whatsoever, in all manner of actions, suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure, and by their name, aforesaid, and under their common seal, may make and enter into, form and execute any contracts or agreements, relating to, touching or concerning the objects of the said incorporation.

Names of
Corporators.

Style of in-
corporation

General
powers.

Sec. 2. *And be it enacted,* That for the more effectual accomplishment of the objects of the said incorporation, there shall be a President, Vice President, Secretary, Treasurer, two Stewards and an Investigating Committee of three, and such other officers and assistants as shall be deemed necessary, all of whom shall be elected annually by ballot, by a majority of

Officers, when
and how ap-
pointed.

the members present, at the annual meeting of the said society, held in January of each and every year.

What lands and real estate, &c. corporation may hold.

Sec. 3. *And be it enacted*, That the estate and property of what kind soever, the same may be, now or hereafter, held by the said society, shall be vested in the body corporate and politic, hereby created; which said body corporate and politic, shall, by the name and title aforesaid, be able and capable in law, to purchase, receive, take, hold and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, goods, securities and chattles, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same;—Provided, that the clear yearly income or value of the real and personal estate of said incorporation shall not exceed the sum of one thousand dollars.

May make constitution and by-laws.

Sec. 4. *And be it enacted*, That the said corporation, be, and they are hereby authorized and empowered to make, adopt and use, and from time to time, to alter, amend or change, as by them may be deemed expedient, such general form of a constitution and by-laws, for the transaction of business, and for effecting the purposes of the society, aforesaid, as to the members, or a majority of the members present, duly met, shall be deemed right and proper:—Provided, that nothing in the said constitution or by-laws, be repugnant to the constitution or laws of the United States, or of this State.

Provided.

Objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the society, hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act, and no part of the funds of said corporation shall be used for banking purposes, or in any other way except as provided for in this act.

Act may be amended or repealed.

Sec. 6. *And be it enacted*, That it shall be lawful for the Legislature of this State at any time, hereafter, to amend, repeal or modify this act, as they shall think proper.

Passed February 6, 1844.

AN ACT to regulate the fisheries in Raritan and South River.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons, to set any net, seine, or other device across either the Raritan or south rivers, nor any hoop-net, gilling-net, wear or fike further into the same than the edge of the channel thereof, on the same side where such net, wear or fike is set or constructed.

Nets not to be set across rivers.

Sec. 2. *And be it enacted,* That if any person or persons shall offend against this act, he or they shall forfeit and pay for every such offence, any sum not less than ten nor more than fifty dollars, to be sued for and recovered in an action of debt in any court having cognizance of the same, and in the name of any person who shall make complaint thereof, to be applied, when recovered, one half to the Overseers of the Poor of the township where such offence shall be committed, for the use of the poor of said township, and the other half to the person who shall make complaint and prosecute the same.

Penalty for offending.

Sec. 3. *And be it enacted,* That it shall and may be lawful for any person or persons, to seize and carry away any seine, net, fike or other device fixed or set contrary to this act; and forthwith place the same in the care and custody of any Justice of the Peace of the county where such seizure has been made, and the said Justice shall call to his assistance any other Justice of the Peace of said county, and the two are hereby required and empowered to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same in a summary manner; and in case the same shall be condemned, it shall be sold by the order and under the direction of the said Justices, who, after deducting all legal costs and expenses, shall pay one half to the Overseers of the Poor of the township where such seizure was made, for the use of the poor of said township, and the other half to the person who shall have seized and prosecuted the same.

Nets set contrary to this act may be seized.

Sec. 4. *And be it enacted,* That if any person shall make use of any shad seine or shad net, for the purpose of catching fish in the river Raritan, or South River after the tenth day of June in each and every year, every such person or

Penalty of fishing after 10th June.

persons so offending, and being convicted thereof before any Justice of the Peace in the county where the said offence shall be committed, shall forfeit and pay to the use of the poor of the township where such offence was committed, any sum not less than five nor more than fifty dollars; and for every second offence so committed against this section, he may be imprisoned in the county jail for any time not exceeding thirty days, at the discretion of the Justice before whom the same may have been heard and determined.

Former acts
repealed.

Sec. 5. *And be it enacted*, That the act entitled "An act to regulate the fisheries in Raritan River," and to repeal a certain act therein mentioned, and the acts regulating the shad fisheries of south River passed in 1804, and the several supplements thereto, be, and the same are hereby repealed.

Act when re-
pealed.

Sec. 6. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed February 6, 1844.

A further supplement to the act entitled "An act to provide for the instruction of indigent blind persons, inhabitants of this State," passed the eighth of March, 1836.

\$1000 appro-
priated annu-
ally.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the sum of one thousand dollars, in addition to the sum provided in the act to which this is a supplement, be appropriated annually, out of any moneys in the treasury not otherwise appropriated to be applied for the instruction of indigent blind persons, inhabitants of this State, pursuant to the provisions of the said act and the supplement thereto.

Passed February 6, 1844.

AN ACT to divorce Albert G. Durand, of the county of Essex, from his wife, Lodoiska Durand.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Albert G. Durand, of the county of Essex, be, and he hereby is, divorced from his wife, Lodoiska Durand, and that the marriage contract now existing between them, be, and the same is hereby dissolved.

Albert G. &
Lodoiska Du-
rand divorced

Passed February 7, 1844.

AN ACT to divorce Ephraim A. Beckwith, of the county of Sussex, from his wife, Hannah Beckwith.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Ephraim A. Beckwith, of the county of Sussex, be, and hereby is divorced from his wife, Hannah Beckwith, and that the marriage contract, now existing between them, be, and the same is hereby dissolved.

Ephraim A.
and Hannah
Beckwith di-
vorced.

Passed January 31, 1844.

AN ACT to-divorce Simon Vannortwick of the county of Somerset, from his wife, Catharine Vannortwick.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Simon Vannortwick, of the county of Somerset, be, and he is hereby divorced from his wife, Catharine Vannortwick, and that the marriage contract, now existing between them, be, and the same is hereby dissolved.

Simon and
Catherine
Vannortwick
divorced.

Catharine Vannortwick ; and that the marriage contract heretofore existing between them, be, and the same is hereby fully and absolutely dissolved ; *Provided, nevertheless*, that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Sec. 2. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed February 9, 1844.

AN ACT to divorce Jasper D. Canfield, of the county of Essex, from his wife, Caroline Canfield.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Jasper D. Canfield, of the county of Essex, be, and he is hereby divorced from his wife, Caroline Canfield, and the marriage contract now existing between them be, and the same is hereby dissolved.

Passed February 9, 1844.

AN ACT authorizing a trustee to sell and convey certain real estate in the county of Hudson, whereof Peter Seely died seized.

Preamble.

WHEREAS, Peter Seely, late of the city of New York, on the eighteenth day of January, in the year of our Lord one thousand eight hundred and forty, departed this life intestate, leaving his widow, Harriet Seely, and eight children, viz : Emma L., who has intermarried with Russell W. Robinson ; Peter L., Harriet, Eliza, Eleanor, Francis, Thomas G., and William James Seely, him surviving, of

whom three, viz: Emma L., Peter L., and Harriet, have arrived at the full age of twenty-one years; and the said Eliza, Eleanor, Francis, Thomas G., and Wm. James, are still minors;—and whereas, the said Peter Seely, was, at the time of his death, seized in fee simple, of a certain tract of land and premises, situate, lying and being in the township of Bergen, in the then county of Bergen, (now county of Hudson,) and state of New Jersey, bounded as follows: beginning at the southeast corner of the said tract, and on the public road; thence running north twenty-eight degrees, east three chains and seventy-five links; thence north forty-six degrees, west four chains and seventy-nine links; thence north thirty-three degrees, east ninety-six links; thence north twenty-seven degrees, west twenty-two chains to the Newark Bay; thence along said bay south thirty-seven degrees and forty-five minutes, west two chains and sixty-four links; thence returning to the beginning corner, and running from thence north twenty-seven degrees, west twenty-eight chains to the Newark Bay aforesaid; bounded easterly by the public road; northeasterly by woodlands of Hartman Vreeland, and lands of Egbert Waters; westerly by the Newark Bay; and southwesterly by woodlands of D. B. Salter—containing six acres, and one half of an acre, be the same more or less, as described in a certain deed of conveyance from James I. Van Buskirk, Wm. C. Vreeland, and Garret Sip, commissioners to divide the estate of Paul Salter among the tenants in common thereof, to the said Peter Seely, deceased;—and whereas, it is represented that the said Harriet Seely, widow, after the decease of her said husband, advanced the sum of five hundred and eight dollars of her own individual funds towards paying off and discharging a certain indenture of mortgage, existing upon the said premises at the time of the death of the said Peter Seely; that the said minor children are dependant upon their said mother for their support and education; that a partition of the said premises among the said children is not only impracticable, but against the manifest interest of all concerned; that the whole of the said tract might be sold so as to yield a legal interest on the principle value of the same, amounting to a much larger sum than the yearly rent; and the said widow and children having united in a petition, praying that the said tract of land be sold; Therefore—

Section 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Harriet Seely, widow of the late*

Trustees au-
thorized to
sell certain
real estate.

Peter Seely, of the city of New York, deceased, be, and she is hereby appointed a trustee, with full power and authority to sell and convey, either at public or private sale, all of the said tract of land and premises above mentioned for the highest and best sum of money that she can obtain for the same; and upon receiving the consideration money therefor, to execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed or deeds of conveyance, in her own name, as trustee of the said children of her deceased husband, according to the estate, right, title, and interest which the said Peter Seely, deceased, had in the same at the time of his death; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his, her, or their heirs and assigns forever, all the estate, right, title, claim, interest and demand, which the said Peter Seely, deceased, had in and to the said premises at the time of his decease.

Proceeds of
sale how ap-
plied.

Sec. 2. *And be it enacted*, That having^d first paid and discharged all necessary and proper costs and charges, to be allowed by the Surrogate of the said county of Hudson, she, the said Harriet Seely, widow, shall be allowed to retain and keep, for her own individual use and behoof, out of the monies arising from the said sale, the said sum of five hundred and eight dollars so advanced by her, towards paying off and discharging the said encumbrance of mortgage, together with interest thereon, at the rate of six per cent. per annum, from the seventeenth day of October, A. D. one thousand eight hundred and forty, to the date of the said sale; and also, that upon releasing all her dower and right of dower, of in and to the said premises, to the purchaser or purchasers thereof, she, the said Harriet Seely, widow, shall be allowed to retain and keep, for her own individual use and behoof, out of the said monies arising from the said sale, the further sum of five hundred dollars, in consideration of her releasing her said dower in the said premises.

Balance of
proceeds of
sales how to
be disposed of

Sec. 3. *And be it enacted*, That after deducting the said several sums above mentioned, the rest and residue of the said consideration money shall be equally divided into eight proportions, and the three-eighths thereof shall be paid by the said trustee to the said Emma L., Peter L., and Harriet, the three children of the said Peter Seely, deceased, who have attained the age of twenty-one years, respectively, and their receipt therefor, filed in the said Surrogate's office, shall forever release and discharge the said land and premises, and the said trustee, of and from all claim and demand for the same.

Sec. 4. *And be it enacted*, That the remaining five-eighths of the balance of the said consideration money shall be in-

vested in a bond, and secured by a mortgage upon the said premises, which said bond and mortgage shall be made and executed by the purchaser or purchasers of the said premises, to the said Harriet Seely, widow, or trustee of the said Eliza, Eleanor, Francis, Thomas G., and William James, the five minor children of her said deceased husband, and shall be conditioned for the payment unto them, when they shall respectively attain the age of twenty-one years, the sum or proportion of the said consideration money, which shall be due to them respectively, with the interest on each minor's share, from the date of the said mortgage, at the rate of six per cent. per annum, payable semi-annually unto the said trustees, for the use, benefit and behoof of the said minors, until the principal be paid; *provided*, that if either or any of the said five minor children shall die before he, she, or they shall arrive at the age of twenty-one years, that then the share or proportion of the said consideration money, which would have become due and payable to him, her, or them so dying, shall become immediately due and payable, together with the interest thereon, and the said trustees shall collect and receive the same, and pay it to the persons entitled thereto according to the laws of this state.

Shares of minor children how disposed of.

Proviso.

Sec. 5. *And be it enacted*, That if the said Harriet Seely, trustee, shall die before the younger surviving of the said minor children shall attain the age of twenty-one years, that then the eldest surviving brother or sister, as the case may be, of the said children shall act as trustee, with all the powers aforesaid, and shall be accountable for all monies received by him or her, upon executing a bond, in such sum as shall be designated by the Orphans' Court of Hudson county, to the Governor of this state, with approved security for the faithful performance of such trust; and the said Harriet Seely shall also give a like bond for the security of said estate before entering upon the duties of said trust.

Proceedings in case of death of trustees.

Sec. 6. *And be it enacted*, That the said trustee shall, within six months after the sale of the said real estate, exhibit under oath to the Surrogate of the said county of Hudson, an exact statement of the amount of sales, and the amount she has received for the same, together with the costs and charges attending the same, and the amount belonging to each heir respectively.

Trustee to exhibit statement.

. Passed February 11, 1844.

AN ACT to divorce Esther Minor from her husband Austin Minor.

Esther and Austin Minor divorced. **Sec. 1.** BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Esther Minor, of the county of Monmouth, be, and she hereby is divorced from her husband Austin Minor, and the marriage contract now existing between them be, and the same is hereby dissolved.

Passed, February 13, 1844.

AN ACT to incorporate the Essex County Mutual Insurance Company.

Names of Corporators. **Sec. 1.** BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Ira Dodd, William R. Peters, Caleb D. Baldwin, Charles Wharry, Calvin Dodd, Philip Kingsly, Wheeler Lindsly, Araon B. Harrison, Timothy W. Mulford, Jonathan Provost, Caleb D. Harrison, Francis R. Post, John Munn, Jarred E. Harrison, Isaac D. Dodd, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a corporation, by the name of

Style of Incorporation. "The Essex County Mutual Insurance Company," for the purpose of insuring their respective dwelling-houses, stores, shops and other buildings, household furniture, merchandize and other property against loss or damage by fire; and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity, and by that name may, also, have, purchase, possess and enjoy, to them and to their successors, lands, tenements and hereditaments, goods, chattles and effects, of what nature and kind soever, necessary for the purposes of said corporation, and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said company; and may, also, have a

Powers. common seal, and alter and renew the same at pleasure; also,

may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same into execution :—Provided, that they be not contrary to the constitution or laws of this State, or of the United States. Provisio.

Sec. 2. *And be it enacted*, That all persons who shall insure with the said incorporation, and, also, their heirs, executors, administrators and assigns, continuing to be insured in said incorporation, as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured by said corporation, and no longer. Persons insuring, to be members of incorporation

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of said corporation shall be managed and conducted by fifteen directors, who shall continue in office for one year, and until others shall be chosen in their places, all of whom shall be members of the said corporation, shall take an oath or affirmation of office, and choose out of their body a President. All vacancies may be filled for the remainder of the year, by such person or persons as a majority of the board of directors, for the time being may appoint; and a majority of the whole shall constitute a quorum for the transaction of business. Affairs of corporation to be managed by 15 directors.

Sec. 4. *And be it enacted*, That Ira Dodd, William R. Peters, Caleb D. Baldwin, Charles Wharry, Calvin Dodd, Philip Kingsly, Wheeler Lindsly, Aaron B. Harrison, Jonathan Provost, Caleb D. Harrison, Timothy W. Mulford, Francis R. Post, John Munn, Jared E. Harrison, and Isaac D. Dodd, shall be the first directors of said corporation; and that annually, hereafter, a board of directors may be elected at such time and place, in the county of Essex, and State of New Jersey, as the said corporation in their by-laws shall appoint, of which election due notice shall be given in, at least, one of the public newspapers, printed in said county, for two weeks, immediately preceding such election; and it shall be the duty of the board of directors, for the time being, to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members, or their proxies, then present, allowing one vote to each member for every hundred dollars insured in said company; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and to deliver such certificate to the Secretary of the company, for the time being, which certificate shall be filed and recorded by the Secretary and be conclusive evidence of the result of such election, until set aside by some court, having competent authority to do so. First Directors.

Time and mode of annual election

Board of directors to appoint officers, &c. *Sec. 5. And be it enacted,* That the board of directors may appoint a Secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also, determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies valid with or without seal. *Sec. 6. And be it enacted,* That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the President, and attested by the Secretary, and being so subscribed and attested; shall be binding and obligatory upon said company; and the company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy.

Terms of effecting insurance. *Sec. 7. And be it enacted,* That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposite his promisory note for such a sum of money as shall be determined by the directors, and that a part, not exceeding five per cent., of said note, shall be immediately paid, and the remainder of said deposite note shall be payable, in part or the whole at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan or put out on interest their moneys or any part thereof not immediately wanted for the purposes of said corporation, on bonds and mortgages on real estate, or may invest the same or any part thereof in government or other stocks, and may from time to time, call in such moneys or change such investments.

Company may loan money.

Policy may be surrendered when property is alienated. *Sec. 8. And be it enacted,* That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said

directors, for such portion of the deposit or premium note or notes, as shall remain unpaid; and by such ratification and confirmation such grantees or alienees, shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy insured was entitled and subjected.

Sec. 9. *And be it enacted*, That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or notes; and all buildings insured by said company, together with the right, title and interest, of the assured to the lands on which they stand, shall be, and they are hereby pledged to said company; and the said company shall have a lien thereon, in the nature of a mortgage, to the amount of his deposit note, which shall continue during his policy and commence whenever the said company shall file with, and have entered in the book of mortgages, kept by the Clerk of the county where the property is situate, a memorandum of the name of the insured, a description of the property, the amount of the deposit note or notes, and the term for which said policy shall continue.

Members bound to pay for losses in proportion to their amount of deposit notes.

Sec. 10. *And be it enacted*, That suits at law or in equity, may be maintained by said corporation against any of its members, for the collection of their deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law or in equity, may be prosecuted and maintained by any member against said corporation for losses or damages by fire, if payment be withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Suits may be maintained against members for deposit notes.

Sec. 11. *And be it enacted*, That the directors, shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportions of said loss, and publish the same in such manner as they shall see fit or as the by-laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed, upon him as his proportion of any loss as

Duties of directors in ascertaining loss by fire.

aforesaid; in such case the directors may sue for, and recover the whole amount of his deposit note or notes with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand; after thirty days from the expiration or cancellation of his or her policy.

When funds of company are insufficient, assessments may be made on the members.

Sec. 12. *And be it enacted*, That whenever, and so often as it shall happen, that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note and assessment, among the sufferers by such fire who have been insured by said company, in proportion to their losses and the amounts by them respectively insured, but no assessment of a greater amount than one dollar on every hundred dollars by the members respectively insured, shall at any time be made for the loss or damage occasioned by any one fire, and any member who shall pay the whole amount of his or her deposit note and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

When company can insure policies.

Sec. 13. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of fifty thousand dollars at least.

Place of business.

Sec. 14. *And be it enacted*, That the operations and business of the corporation, shall be carried on and conducted at such place in the county of Essex as shall be designated by a majority of the directors present at their first regular meeting in every year.

Directors to make annual statement of affairs.

Sec. 15. *And be it enacted*, That at every annual meeting of the said company, the directors for the time being, shall make or exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of said company.

Limitation of act.

Sec. 16. *And be it enacted*, That this act shall continue in force thirty years, subject to be altered, amended, modified or repealed by the Legislature, at any time hereafter, when, in their opinion, the public good may require it.

Passed February 13, 1844.

AN ACT to incorporate the Temperance Beneficial Association of Vincent Town.

WHEREAS, a number of the inhabitants of the village of Vincent Town and its vicinity, in the county of Burlington, have formed themselves into an Association or Society, to which they have given the name of "the Temperance Beneficial Association of Vincent Town," the object of which is to create a fund to be applied towards the relief or support of such of the members thereof as shall by sickness, casualty or other cause, be rendered incapable of attending to their usual occupation or calling, as well as to discourage Intemperance, and, also, towards the decent interment of deceased members, or the deceased wives of members;—
And whereas, it is believed an act of incorporation will promote the object of the Society, and add to the security of its property, and the said society, having, by petition presented to the Legislature, praying to be incorporated:—
THEREFORE—

Preamble:

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Oliver Cox, Jonathan Haines, Joseph A. Jones, Andrew H. Scott, John Doron, Abraham B. Brown, Stacy G. Lee, Israel Alloways, Andrew E. Budd, M. D., Thomas B. Woolston, George W. Dobbins, and all such other persons, not exceeding at any one time five hundred, as now are or hereafter shall become, members of the said Society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name and title of "the Temperance Beneficial Association of Vincent Town," and by such name they shall have succession and continuance, and be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have the power to alter and change the same at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching or concerning the objects of the said corporation.

Names of corporators.

Style of Incorporation.

Powers.

Sec. 2. *And be it enacted*, That for the more effectual accomplishment of the objects of the said incorporation, there-

Officers, how shall be a President, Vice President, Secretary, Assistant Secretary, Treasurer, two Stewards, and one Messenger, and elected. such other officers and assistants as shall be deemed necessary; all of whom shall be elected annually by ballot, by a majority of the members present at a meeting convened for that purpose, upon two weeks notice of such meeting being published in one of the newspapers published at Mount Holly in the county of Burlington.

What real & personal estate corporations may hold. *Sec. 3. And be it enacted,* That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body corporate and politic, hereby created, which said body corporate and politic shall by the name and title aforesaid be able and capable in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods and chattles, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorised to make the same;—Provided, that the clear yearly income or value of the real and personal estate of the said corporation shall not exceed the sum of one thousand dollars.

Proviso.

May make constitution and by-laws. *Sec. 4. And be it enacted,* That the said corporation be, and they are hereby authorised and empowered to make, adopt, and use, and from time to time alter, amend or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business and for effecting the purposes of the society aforesaid, as to the members, or a majority of the members present, duly met, shall be deemed right and proper;—Provided, that nothing in the said constitution and by-laws be repugnant to the constitution and laws of this State or of the United States.

Objects of incorporation. *Sec. 5. And be it enacted,* That the sole and exclusive object of the Society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act; and no part of the funds of said corporation shall be used for banking purposes, or in any other way except as provided for in this act.

Sec. 6. And be it enacted, That it shall be lawful for the Legislature of this State, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper.

Passed February 14, 1844.

AN ACT for the relief of Joseph Parker of the county of Mercer.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Treasurer of this state, be, and he is hereby authorized and directed to pay unto Joseph Parker, of the county of Mercer, a soldier of the revolutionary war, or his order, the sum of one hundred and twelve dollars, in full of his claims against the state, not heretofore provided for. \$112 to be paid to Jos. Parker.

Passed February 14, 1844.

A supplement to an act entitled "An act to incorporate the Howell Works Company," passed the 4th day of March, 1828.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said, the Howell Works Company, incorporated under the act entitled "An act to incorporate the Howell Works Company," passed the fourth day of March, one thousand eight hundred and twenty-eight, be, and they are hereby authorized to engage in, and carry on, in the township of Howell, in the county of Monmouth, in addition to their other powers under said act, the manufacture of Cotton and Woollen goods in any, and all their different varieties, and the business incident thereto, any thing in the original act of incorporation, to the contrary notwithstanding. Manufacture of Cotton & woollen goods authorized.

Passed February 14, 1844.

AN ACT for the relief of Jasper Provost, of the county of Middlesex.

Sec. I. BE IT ENACTED *by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the Treasurer of this state be, and he is hereby authorized and directed to pay unto Jasper Provost of the county of Middlesex, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the fourth day of March next.

Passed February 14, 1844.

AN ACT to confirm the sales of the Real Estate whereof Edmund Kearney, deceased, late of the county of Monmouth, died seized.

Preamble.

WHEREAS, the Orphans' Court of the county of Monmouth, in this state, in the term of April, eighteen hundred and twenty-nine, upon the petition of Daniel Holmes, appointed James Hopping, Edward Taylor, and Leonard Walling, commissioners, to divide the real estate whereof Edmund Kearney, deceased, late of said county of Monmouth, died seized, among the persons entitled thereto, upon which application such proceedings were had that in the term of July, eighteen hundred and twenty-nine, the said Orphans' Court ordered said commissioners to sell said real estate, under which last mentioned order, the said commissioners, on the third and fourth days of November, eighteen hundred and twenty-nine, sold said real estate, consisting of a tract of land, containing about seven hundred and eighty one acres, situated in the township of Middletown, in the county of Monmouth, aforesaid, in parcels, to the following persons, viz :

Lot No. 1—containing two hundred and twenty-four acres and eighty-two hundredths of an acre, or thereabout, to Isaac K. Lippincott, for the sum of six thousand seven hundred and forty-four dollars and sixty cents, or about that sum.

Lot No. 2—containing fifty-six acres and forty-two hundredths of an acre, or thereabout, to Thomas Carhart, for the sum of one thousand five hundred and ninety-three dollars and eighty-six cents or about that sum.

Lot No. 3—containing thirty-two acres and eighty-five hundredths of an acre, or thereabout, to Ames Walling, for the sum of eight hundred and seventy-eight dollars, and seventy-three and three-quarters of a cent, or about that sum.

Lot No. 4—containing eighteen acres and forty-three hundredths of an acre, or thereabout, to Jonathan Tilton, for the sum of seven hundred and nine dollars and fifty-five and a half cents, or about that sum.

Lot No. 5—containing fifty-nine acres and fifty-two hundredths of an acre, or thereabout, to Ezra Osborn, for the sum of one thousand, three hundred and thirty-nine dollars, and twenty cents, or about that sum.

Lot No. 6—containing fifty-six acres, and eighty-four hundredths of an acre, or thereabout, to Ezra Osborn, for the sum of seven hundred and fifty-three dollars, and thirteen cents, or about that sum.

Lot No. 7—containing forty-eight acres and forty-six hundredths of an acre, or thereabout, to Isaac K. Lippincott, for the sum of one thousand two hundred and twenty-three dollars, and sixty-one cents, or about that sum.

Lot No. 8—containing twenty-four acres, and eleven hundredths of an acre, or thereabout, to Richard C. Burrows, for the sum of one thousand and thirty-six dollars, and seventy-three cents, or about that sum.

Lot No. 9—containing seven acres, and thirty-four hundredths of an acre, or thereabout, to Isaac K. Lippincott, for the sum of one hundred and thirty-five dollars and seventy-nine cents, or about that sum.

Lot No. 10—containing sixteen acres, and fifty-seven hundredths of an acre, or thereabout, to Ezra Osborn, for the sum of one hundred and ninety-four dollars, and sixty-nine and three-quarter cents, or about that sum.

Lot No. 11—containing fifty-nine acres, and thirteen hundredths of an acre, or thereabout, to James Sproul, for the sum of one thousand, nine hundred and eighty dollars, and eighty-five cents, or about that sum.

Lot No. 12—containing twenty-six acres, and two hundredths of an acre, or thereabout, to Thomas I. Walling, for the sum of eight hundred and fifty-eight dollars, and sixty-six cents, or about that sum.

AN ACT for the relief of Jasper of M

Sec. I. BE IT ENACTED

\$20 per an-
num to be
paid to Jasper
Provost.

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is hereby authorized
of the county of M
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Passed Feb

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by said commissioners, to the said

term of January, eighteen hundred

chasers of said property, and therupon

Court, in the said term of January, eigh-

d thirty, duly approved and confirmed said

ered the said commissioners to make deeds

the purchasers respectively.

WHEREAS, after the said sale, some of the said pur-
parted with their interest in whole, or in part, for a
able consideration in the property thus purchased by
as aforesaid, in consequence whereof, some of the deeds
were made and executed, not to the purchaser or purchasers,
at the said commissioners' sale, but to the person or persons
who held, under such purchaser or purchasers, that is to say,
the deed for lot No. 4, purchased at said commissioners' sale
by Jonathan Tilton, was made by the said commissioners to
Joseph R. Walling; the deeds for lots Nos. 5, 6, and 10, pur-
chased at said commissioners sale by Ezra Osborn, and for
lots, Nos. 7 and 9, purchased at said commissioners' sale by
Isaac K. Lippincott, and for lot No. 8, purchased at said com-
missioners' sale by Richard C. Burrows, were made by said
commissioners to John I. Taylor; the deed for lot No. 13,
purchased at said sale by Amos Walling, was made by said
commissioners to Amos Walling, Douglas E. Stout and Wil-
liam Walling; and the deed for lot No. 11, purchased at said
sale by James Sproul, was made to James Sproul, John
Sproul and Joseph Sproul, which is alleged to be irregular.

AND WHEREAS, the said deeds were made and accepted
under the full impression, and belief on the part of the said
commissioners and purchasers that such substitution was fre-
quently made, and that the same was a virtual and proper
compliance with the order of said Orphans' Court, legal and
valid in itself.

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Preamble.

since the said sale, by the said commis-
and valuable improvements have been made
on the said property, and that the same is now in
possession of many innocent owners and occupants, holding
under the said deeds from the said commissioners, and it is
expedient and just to have the difficulties, if any exist, re-
moved, and the titles, if they be defective, confirmed by Leg-
islative enactment.

Now THEREFORE, for the purpose of quieting the titles of
said purchasers, and of all who hold under the said commis-
sioners, either directly, or by subsequent conveyance or con-
veyances;—

Sec. 1. BE IT ENACTED, by the Council and General As-
sembly of this State, and it is hereby enacted by the authority
of the same, That the several deeds so given by the said
commissioners, for the said several lots, shall be deemed and
taken, and the same are hereby declared to be valid and effec-
tual in law, to convey the estate therein and thereby intended
to be conveyed, and that the said deeds, or any of them, and
all subsequent conveyances of the said estate, or any part
thereof, shall not be impeached in any court whatever, for any
such alleged interest in the said commissioners, or any of
them, in the property so sold by them as aforesaid, or for any
alleged defect or informality in the execution of the powers
of the said commissioners, or in the proceedings of the said
Orphans' Court, and that the said deeds, or any of them shall
not be impeached, or invalidated upon any other ground than
that of absolute, direct and actual fraud on the part of the said
commissioners.

Deeds given
by Commis-
sioners made
valid.

Passed February 14, 1844.

Sec. 5. *And be it enacted,* That the board of directors may appoint a Secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also, determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Sec. 6. *And be it enacted,* That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the President, and attested by the Secretary, and being so subscribed and attested; shall be binding and obligatory upon said company; and the company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy.

Sec. 7. *And be it enacted,* That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposite his promisory note for such a sum of money as shall be determined by the directors, and that a part, not exceeding five per cent., of said note, shall be immediately paid, and the remainder of said deposite note shall be payable, in part or the whole at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan or put out on interest their moneys or any part thereof not immediately wanted for the purposes of said corporation, on bonds and mortgages on real estate, or may invest the same or any part thereof in government or other stocks, and may from time to time, call in such moneys or change such investments.

Sec. 8. *And be it enacted,* That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said

Board of directors to appoint officers, &c.

Policies valid with or without seal.

Terms of effecting insurance.

Company may loan money.

Policy may be surrendered when property is alienated.

directors, for such portion of the deposit or premium note or notes, as shall remain unpaid; and by such ratification and confirmation such grantees or alienees, shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy insured was entitled and subjected.

Sec. 9. *And be it enacted*, That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or notes; and all buildings insured by said company, together with the right, title and interest, of the assured to the lands on which they stand, shall be, and they are hereby pledged to said company; and the said company shall have a lien thereon, in the nature of a mortgage, to the amount of his deposit note, which shall continue during his policy and commence whenever the said company shall file with, and have entered in the book of mortgages, kept by the Clerk of the county where the property is situate, a memorandum of the name of the insured, a description of the property, the amount of the deposit note or notes, and the term for which said policy shall continue.

Members bound to pay for losses in proportion to their amount of deposit notes.

Sec. 10. *And be it enacted*, That suits at law or in equity, may be maintained by said corporation against any of its members, for the collection of their deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law or in equity, may be prosecuted and maintained by any member against said corporation for losses or damages by fire, if payment be withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Suits may be maintained against members for deposit notes.

Sec. 11. *And be it enacted*, That the directors, shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportions of said loss, and publish the same in such manner as they shall see fit or as the by-laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed, upon him as his proportion of any loss as

Duties of directors in ascertaining loss by fire.

aforesaid; in such case the directors may sue for, and recover the whole amount of his deposit note or notes with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand; after thirty days from the expiration or cancellation of his or her policy.

When funds of company are insufficient, assessments may be made on the members.

Sec. 12. *And be it enacted*, That whenever, and so often as it shall happen, that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note and assessment, among the sufferers by such fire who have been insured by said company, in proportion to their losses and the amounts by them respectively insured, but no assessment of a greater amount than one dollar on every hundred dollars by the members respectively insured, shall at any time be made for the loss or damage occasioned by any one fire, and any member who shall pay the whole amount of his or her deposit note and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

When company can issue policies.

Sec. 13. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of fifty thousand dollars at least.

Place of business.

Sec. 14. *And be it enacted*, That the operations and business of the corporation, shall be carried on and conducted at such place in the county of Essex as shall be designated by a majority of the directors present at their first regular meeting in every year.

Directors to make annual statement of affairs.

Sec. 15. *And be it enacted*, That at every annual meeting of the said company, the directors for the time being, shall make or exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of said company.

Limitation of act.

Sec. 16. *And be it enacted*, That this act shall continue in force thirty years, subject to be altered, amended, modified or repealed by the Legislature, at any time hereafter, when, in their opinion, the public good may require it.

Passed February 13, 1844.

AN ACT to incorporate the Temperance Beneficial Association of Vincent Town.

WHEREAS, a number of the inhabitants of the village of Vincent Town and its vicinity, in the county of Burlington, have formed themselves into an Association or Society, to which they have given the name of "the Temperance Beneficial Association of Vincent Town," the object of which is to create a fund to be applied towards the relief or support of such of the members thereof as shall by sickness, casualty or other cause, be rendered incapable of attending to their usual occupation or calling, as well as to discourage Intemperance, and, also, towards the decent interment of deceased members, or the deceased wives of members;— Preamble:
And whereas, it is believed an act of incorporation will promote the object of the Society, and add to the security of its property, and the said society, having, by petition presented to the Legislature, praying to be incorporated:—
THEREFORE—

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Oliver Cox, Jonathan Haines, Joseph A. Jones, Andrew H. Scott, John Doron, Abraham B. Brown, Stacy G. Lee, Israel Alloways, Andrew E. Budd, M. D., Thomas B. Woolston, George W. Dobbins, and all such other persons, not exceeding at any one time five hundred, as now are or hereafter shall become, members of the said Society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name and title of "the Temperance Beneficial Association of Vincent Town," and by such name they shall have succession and continuance, and be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have the power to alter and change the same at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching or concerning the objects of the said corporation. Names of corporators.

SEC. 2. *And be it enacted,* That for the more effectual accomplishment of the objects of the said incorporation, there Style of Incorporation.

Powers.

Officers, how elected. shall be a President, Vice President, Secretary, Assistant Secretary, Treasurer, two Stewards, and one Messenger, and such other officers and assistants as shall be deemed necessary; all of whom shall be elected annually by ballot, by a majority of the members present at a meeting convened for that purpose, upon two weeks notice of such meeting being published in one of the newspapers published at Mount Holly in the county of Burlington.

What real & personal estate corporations may hold. Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body corporate and politic, hereby created, which said body corporate and politic shall by the name and title aforesaid be able and capable in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods and chattles, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorised to make the same;—Provided, that the clear yearly income or value of the real and personal estate of the said corporation shall not exceed the sum of one thousand dollars.

Proviso.

May make constitution and by-laws. Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorised and empowered to make, adopt, and use, and from time to time alter, amend or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business and for effecting the purposes of the society aforesaid, as to the members, or a majority of the members present, duly met, shall be deemed right and proper;—Provided, that nothing in the said constitution and by-laws be repugnant to the constitution and laws of this State or of the United States.

Objects of incorporation. Sec. 5. *And be it enacted*, That the sole and exclusive object of the Society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act; and no part of the funds of said corporation shall be used for banking purposes, or in any other way except as provided for in this act.

Sec. 6. *And be it enacted*, That it shall be lawful for the Legislature of this State, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper.

Passed February 14, 1844.

AN ACT for the relief of Joseph Parker of the county
of Mercer.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Treasurer of this state, be, and he is hereby authorized and directed to pay unto Joseph Parker, of the county of Mercer, a soldier of the revolutionary war, or his order, the sum of one hundred and twelve dollars, in full of his claims against the state, not heretofore provided for. \$112 to be paid to Jos. Parker.

Passed February 14, 1844.

A supplement to an act entitled "An act to incorporate the Howell Works Company," passed the 4th day of March, 1828.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said, the Howell Works Company, incorporated under the act entitled "An act to incorporate the Howell Works Company," passed the fourth day of March, one thousand eight hundred and twenty-eight, be, and they are hereby authorized to engage in, and carry on, in the township of Howell, in the county of Monmouth, in addition to their other powers under said act, the manufacture of Cotton and Woollen goods in any, and all their different varieties, and the business incident thereto, any thing in the original act of incorporation, to the contrary notwithstanding. Manufacture of Cotton & woollen goods authorised.

Passed February 14, 1844.

the vacancy or vacancies: the persons appointed in consequence shall have the like powers for the remainder of the year, as those had in whose place they may be appointed.

Owners to
fix salaries.

Sec. 11: *And be it enacted*, That said owners, or their representatives, at the annual meetings, shall fix and determine, from time to time, by vote as aforesaid; of a majority of those met, the wages or salaries to be paid to the managers, collector, and clerk, from year to year.

Assessments,
how made
and collected

Sec. 12: *And be it enacted*, That the expense of cleaning out the said creek, or main water course, inside the bank or outside, or both, whenever said owners, by a majority vote as aforesaid, shall deem it necessary, as well as all other sums ordered to be raised by said owners in manner aforesaid, shall be equitably and rateably assessed as aforesaid, on all the meadow, marsh and swamp within said bank; and such sums and all others shall be collected by said collector in manner aforesaid and without any undue delay; which he, the said collector, shall pay out by order of the managers for work done or services performed under their direction; and any balance in his possession, at the expiration of the time for which he may have been chosen, he shall pay to his successor in office.

Former act
repealed.

Sec. 13. *And be it enacted*, That the act passed February the thirteenth, A. D.; one-thousand seven hundred and thirteen, entitled "An Act for enabling the owners of the meadows adjoining to the lands of Sarah Mickle, John Doyle, John Kaighn, Tobias Griscom, and others, adjacent to Delaware river, in the township of Newton and county of Gloucester, to stop the tide from overflowing them," be, and the same is hereby repealed.

Passed February 16, 1844.

AN ACT for the relief of Anthony Chardavoyne, of the county of Sussex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same*, That the treasurer of this state, be, and he is hereby authorized and directed to pay unto Anthony Chardavoyne \$60 per annum to be paid to A. Chardavoyne

Chardavoyne, of the county of Sussex, a soldier of the revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the fourth day of March next.

Passed, February 16, 1844.

AN ACT to constitute and make Crosswicks creek a lawful fence from the place known as the mill-dam, at Groveville, down to the mouth of said creek.

WHEREAS, those valuable tracts of marsh and meadow land situate along the shores of the Crosswicks creek are so low and much exposed to the ice and high freshets, that it is not practicable to make a fence stand along the same;— and whereas, sundry people who have no right, do make it a common practice to drive their horses and cattle over Crosswicks creek into the said marsh and meadow land, whereby the same is rendered almost useless to the owners and proprietors, for remedy thereof:

Sec: 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the first day of April next, the said Crosswicks creek is declared, constituted and made a lawful fence from the place known as the mill-dam, at Groveville, down to the mouth of the said creek, and if any cattle or horses shall wander or be driven over said creek, the owners of said cattle or horses shall be liable as trespassers, and all damages accrued thereby shall be recovered in the same manner and form as is directed by the act, entitled, "An act for regulating fences."

Passed February 16, 1844.

AN ACT to incorporate the Mount Holly Female Benevolent Association.

Preamble.

WHEREAS, an association has existed in the town of Mount Holly, for a period of thirty years, under the name of the Female Benevolent Association, whose object has been, and continues to be, to relieve poverty, suffering and distress; and it is believed that an act of incorporation will promote the object of the society, increase its usefulness, and add to the security of its property;—and whereas, a memorial has been presented by its members, praying that the society may be incorporated; therefore—

Style of incorporation.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all who now are, or hereafter shall become members of the said society, be, and they are hereby ordained, constituted and declared a body corporate and politic in fact and in law, by the name and title of the "Female Benevolent Association, of Mount Holly," and by such name shall have succession and continuance, and be in law, capable of suing and being sued, pleading and being impleaded, in all courts of law and equity, whatever; and that they and their successors may have and use a common seal, and the same may alter and amend at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute any contracts or agreements, relating to, touching or concerning the objects of the said corporation,

Powers.

May make constitution and by-laws.

Sec. 2. And be it enacted, That the said corporation, be, and they are hereby authorized to make, adopt and use, and from time to time, to alter, amend or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business, and for effecting the objects of its incorporation, as to the members, or a majority of the members present, duly met, shall be deemed right and proper: and that the names and number of the officers of the said corporation, with their powers, liabilities, rights and duties, respectively, shall be determined by and in the said constitution, and shall be elected annually by ballot, by a majority of the members present, at a meeting convened for that purpose, in the mode by the said constitution to be prescribed;—Provided, that nothing in the said constitution and by-laws, be repugnant to the constitution and laws of this State, or of the United States.

Officers, when and how appointed.

Sec. 3. And be it enacted, That the estate and property of what kind soever, the same may be, now held by the said society, shall be vested in the body corporate and politic, hereby created; which said body corporate and politic, shall, by the name and title aforesaid, be able in law, to purchase, receive, take, hold and convey, for the use and benefit of the said corporation, and for the purpose of effecting the objects of its incorporation, any lands, tenements, and hereditaments, any sum or sums of money, rights, goods, securities and chattles, by gift, alienation, devise, bequest or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same;—Provided, that the clear yearly income or value of the real and personal estate of the said corporation shall not exceed the sum of one thousand dollars.

What real and personal estate may be held.

Proviso.

Sec. 4. And be it enacted, That the objects of the said corporation shall be solely and exclusively of a benevolent and charitable nature, and that no part of the funds of the said corporation, shall be used for banking purposes, or in any other way except as provided for in this act.

Objects of incorporation.

Sec. 5. And be it enacted, That it shall be lawful for the Legislature of this State at any time, hereafter, to amend, repeal or modify this act.

Act may be amended or repealed.

Passed February 16, 1844.

AN ACT to authorize Isaac P. White, trustee of Deborah Brower, to convey certain real estate.

WHEREAS, it has been represented that Jacob Brower, of the township of Shrewsbury, in the county of Monmouth, hath heretofore made and executed a deed of conveyance of certain real estate in trust to Isaac P. White for the use and benefit of his wife Deborah Brower and children;—and whereas, at the time of the execution of said conveyance, the said property was encumbered by mortgage to the amount of three hundred dollars, which mortgage is still a lien thereon:—and whereas, it appears that a part of said property can now be sold for the said sum of three hundred dollars, and Joseph King has agreed to give that sum for four acres thereof, and the existing encumbrance be,

Preamble.

thereby discharged, but doubts having arisen whether the said trustee could make a good and valid title for the same, and legislative aid has been prayed in the premises;—
Therefore,

Trustees authorized to make conveyance.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Isaac P. White, trustee as aforesaid, be, and he hereby is authorized and empowered to make, execute and deliver to the said Joseph King a deed of conveyance for four acres of the said real estate, or so much thereof as will be sufficient to satisfy and pay the aforesaid mortgage, which said deed shall vest in the said Joseph King as good and valid a title to the same, as the said Jacob Brower had in and to the same at and before the execution of the said deed of trust, and the proceeds arising from such sale and conveyance as aforesaid, shall be applied by the said trustee to the payment and discharge of the aforesaid mortgage, and to no other purpose whatsoever; *provided*, that before the execution of the said deed to the said Joseph King, the said mortgage shall be cancelled as of record and delivered to the said Jacob Brower.

Proviso.

Passed February 16, 1844.

AN ACT to divorce Phebe B. Tayman from her husband Elisha G. Tayman.

Phebe B. & Elisha G. Tayman divorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Phebe B. Tayman, of the county of Cape May, be, and she is hereby divorced from her husband, Elisha G. Tayman, and that the marriage contract now existing between them, be, and the same is hereby absolutely dissolved.

Passed February 16, 1844.

AN ACT to authorize the erection of a bridge with a pivot or draw over Raccoon Creek, at Bridgeport, in the county of Gloucester.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Board of Chosen Freeholders of the county of Gloucester, be and they hereby are authorized to build, and at all times hereafter to rebuild, repair and maintain a good and sufficient bridge over Raccoon Creek; at the village of Bridgeport in said county, at or near the site of the present bridge, and as nearly in a line with the main street of said village, as the ground and other circumstances will admit of, with a draw or pivot, the opening to be made by the draw or pivot therein, to be at least thirty-six feet wide; and said opening to be made in such part of said bridge where the vessels and boats may pass through with the greatest convenience.

Board of chosen freeholders authorized to build bridge.

Sec. 2. *And be it enacted,* That if any captain of a vessel, or other person or persons shall open said bridge, or hoist the draw of said bridge (if any) and leave the same open or up, so as to prevent travellers and others from passing over the same, for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons whatever, without lawful authority therefor, shall cut, remove or destroy any piece or pieces of timber, or any plank or planks belonging thereto, or any part of said bridge, draw or pivot, posts or piles, or shall remove any iron work or stone work of, or belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, he, she, or they shall, for every and each offence, forfeit and pay the sum of twenty dollars over and above the damage done to said bridge, to be recovered in an action of debt or on the case, in any court having competent jurisdiction, with costs of suit; one half of said sum for the use of the prosecutor and the other half for the use of the county of Gloucester, and on recovery to be paid into the hands of the collector of said county.

Penalty for leaving open or injuring bridge.

Sec. 3. *And be it enacted,* That "An act to authorize the Board of Chosen Freeholders of the county of Gloucester to build a draw bridge over Raccoon Creek, near the mouth thereof," passed November eleventh, eighteen hundred and seven, be and the same is hereby repealed.

Former act repealed.

Sec. 6. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Act when to
take effect.

Passed February 16, 1844.

AN ACT to authorise Parcyrus Heitsman, administrator of George Heitsman, deceased, to fulfil a certain contract therein named.

Preamble.

WHEREAS, George Heitsman, late of the county of Warren, deceased, in his lifetime made verbal agreement with Samuel Plummer, of the county of Warren, to sell and convey to the said Samuel Plummer, a certain lot of land, situate in the township of Harmony, in the county of Warren, adjoining land of John Seffler and Margaret Heitsman, containing two acres and thirty-six hundredths of an acre of land;—And whereas, the said Samuel Plummer, was under and by virtue of said agreement, put in possession of the same, in the lifetime of the said George Heitsman, and paid to the said George Heitsman the purchase money of said land;—And whereas, the said George Heitsman departed this life without having executed and delivered any deed for the same: THEREFORE—

Administra-
tor author-
ized to make
deed, &c.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Parcyrus Heitsman, administrator of the said George Heitsman, deceased, be, and he is hereby authorised to execute and deliver to the said Samuel Plummer or his assigns, a deed of conveyance for the tract of land above mentioned, and that the said conveyance shall have the same force and effect as a deed executed and delivered by the said George Heitsman in his lifetime would have had.

Passed February 16, 1844.

AN ACT to incorporate the Hudson and Ramapo Railroad Company.

Sec 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That James S. Wanmaker, Abraham Van Horn, Wm. G. Hopper, James Crouter, John G. Ackerson, Jacob H. Hopper, Elijah Rosencants, Peter Van Emburgh, Garret Van Dien, George Voorhis, Garret Oldis, Isaac Vanderbeek, Garret Myers, David D. Demarest, Michael Fisher, Asa Wright, Abraham L. Van Boskerck, Garret Benson, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Hudson and Ramapo Railroad Company," and by that name they and their successors and assigns shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattles, necessary or expedient to the objects of this corporation, and shall be clothed with all the rights, powers and privileges, pertaining to corporate bodies, and requisite for the purposes aforesaid.

Names of
Corporators.

Style of In
corporation.

Powers.

Sec. 2. *And be it enacted.* That the capital stock of said company shall be six hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Amount of
capital stock.

Sec. 3. *And be it enacted,* That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation at such time or times and place or places in the counties of Hudson and Bergen as they or a majority of them may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in Jersey city, and in a newspaper printed in the city of New York, and that the said books shall be kept open for three days at least, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners or a majority of them shall think proper, and if

Books for
subscriptions
when and
where to be
opened.

more subscriptions be taken than the amount of capital stock hereby authorized, it shall be the duty of the said commissioners or a majority of them, to apportion the stock among the subscribers in proportion to their subscriptions; but no apportionment shall be made of any subscription for five shares or less.

Time and
mode of elec-
tion of first
directors.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and when three hundred thousand dollars of the said capital stock shall be subscribed for, if the same shall be deemed necessary, or whenever the said capital stock shall be subscribed for, and the books closed and the apportionment made, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this State, and such election shall be made by ballot, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote, and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this State, and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or by a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors or a majority of them may appoint a president pro tempore who shall have such power and functions as the by-laws of the said corporation shall provide.

Vacancy,
how supplied

Corporation
not to be
dissolved for
failure to
elect on day
prescribed.

Sec. 5. *And be it enacted*, That in case an election of directors should not be made during the day, when by this act it ought to have been made, the said corporation shall not be deemed to be dissolved, but such election may be after-

wards held according to law, on notice as aforesaid, and the directors for the time being shall continue in office until an election shall take place.

Sec. 6. *And be it enacted*, That five directors of said corporation shall be a quorum to transact business; and they shall have power to call in the remainder of the capital stock by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct, and in case of the non-payment of such instalment, to forfeit the share or shares upon which such default shall arise; and shall have power to appoint a secretary, treasurer, engineers, agents, and such workmen as may be required to transact the business of the company, with such compensation to them and the presidents as the board shall deem proper, and to take from the treasurer sufficient security for the due performance of his trust; and further, to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper;—*Provided*, the same be not repugnant to the laws or constitution of this State or of the United States.

Powers and duties of directors.

Sec. 7. *And be it enacted*, That the said company be, and they are hereby authorized and vested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point or place on the New Jersey and New York State line, in the township of Franklin, between the Ramapo creek and the Mawway brook, thence through the county of Bergen, and village of Hackensack, in said county, and so to continue through the county of Hudson, and to terminate at some suitable point or place on the Hudson river, between Bull's ferry and the southern boundary of the village of Hoboken, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters for the purpose of exploring, surveying, levelling and laying out the route of such railroad, and of locating the same; and when the route and the location of said road shall have been determined upon, and a survey thereof deposited in the office of the Secretary of State, it shall then be lawful for said company, by its officers, engineers, agents, contractors and workmen to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails and do all other things which may be suitable and necessary for the completion and repairs of the said railroad, and to carry into full effect the object of this act; and may also take and use any stone, gravel, sand, clay or other materials, (wood and

Route of rail road.

Directors &c. authorized to enter upon lands, &c.

Proviso.

timber excepted) on or near the said route, which may be required for the construction of, repairing, or altering the said road or any of the works or appendages, subject to such compensation to be made therefor as is hereinafter provided; *Provided always*, that the payment of all damages for the occupancy of lands through which the said railroad may be laid out and located be made by the company, either to the owner or into court, as hereinafter provided for, before they or any person under their direction or in their employ shall enter upon or break ground upon the premises excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands be first had and obtained in writing.

Proceedings
when company
and owners
of land
cannot agree.

Sec. 8. *And be it enacted*, That when the said company or its agents cannot agree with owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this State, who shall cause the said company to give notice thereof to the persons interested, if known and in this State, or, if unknown or out of this State, to make publication thereof, as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, to be paid by the company for such land or materials and damages aforesaid, and to make

report thereof under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk, which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company; if they shall neglect or refuse to pay the same, for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *Provided always*, that should the said company, or the owner or owners of any of the land or materials, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court, in the county wherein the said lands or materials shall be.

Sec. 9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal, shall be given to the opposite party, within ten days after the filing thereof; and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like proceedings shall be had, and the like process awarded, for the trial thereof by a jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect as in any action of trespass, or on the case prosecuted in the said court, and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall

Proviso.

Appeals from decision of commissioners how to be made.

be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs, and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient to authorize the company to take possession of, and use the said land or materials; *Provided*, the amount of the said judgment shall first be paid to the party or parties recovering the same, or upon his, her, or their refusal to receive it, on tender thereof, if first be paid into the said court to the clerk thereof.

Proviso.

Proceedings
in case of
non-residents,
&c.

Sec. 10. *And be it enacted*, That in case any owner or owners of any such required lands or materials, so appraised, or in favor of whom damages may have been assessed, shall be feme covert, under age, non compos mentis, or resident out of this State, or shall refuse to receive the amount so awarded or assessed, then, and in any such case the said company shall pay the amount or amounts so awarded to the last mentioned owner or owners, respectively, or the damages so assessed, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners, or of the said person or persons so damnified; which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or person damnified, or paid into the circuit court under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner hereinbefore provided.

Company to
contract and
repair
bridges.

Sec. 11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle, on the said road, shall not be prevented thereby; and when the rail road shall intersect any farm or lands, they shall provide and keep in repair, suitable wagon ways over or under the said railroad, so that persons may conveniently pass the same.

Authorized
to procure
engines, &c.

Sec. 12. *And be it enacted*, That the president and directors of the said company, shall have power to have constructed, or to purchase with the funds of the company, and to place on their railroad, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient and right.

Sec. 13. *And be it enacted,* That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the nett profits of the said rail road.

Dividends.

Sec. 14. *And be it enacted,* That if any person shall willfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company, any sum, not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, with costs of suit, in any court having competent jurisdiction, and also, shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass.

Penalty for
injuring road
or works.

Sec. 15. *And be it enacted,* That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding fourteen acres at each place, and may erect and build thereon, houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take, and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build and maintain on the river Hackensack, and such other streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions, and not to obstruct the navigation thereof.

What real
estate may be
held.

Sec. 16. *And be it enacted,* That the road authorized by this act, be, and the same is hereby declared free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *Provided always,* that the said carriages so used thereon, shall be so constructed and so regulated; as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company, nor injure the said road.

Free for all
rail road car-
riages on
payment of
tolls.

Sec. 17. *And be it enacted,* That if the said railroad shall not be commenced in two years from the fourth day of July next, and completed at the expiration of six years from the same time, that then, and in that case this act shall be void.

Time for
completion of
road.

Sec. 18. *And be it enacted,* That no part of the capital stock or moneys of the company incorporated by this act, shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

Restrictions.

When State
may take the
road.

Sec. 19. *And be it enacted, That* at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company, and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and the appendages thereof; *provided, always,* that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said rail road, with the lands and appendages thereof.

Proviso.

Company
may make
contracts for
transporta-
tion &c.

Sec. 20. *And be it enacted,* That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements, with any other corporation, or with individuals, for transporting or conveying any kinds of goods, produce, merchandize, freight, or passengers between the Northern termination of this road and the Hudson river, opposite to the city of New York, or between any intermediate point or points on the line thereof and to enforce the fulfillment of such contracts.

Sec. 21. *And be it enacted,* That it shall be lawful for the said company to demand and receive for carrying each pas-

passenger over said rail road, at the rate of four cents per mile, and for the transportation thereon, of every species of property and freight, the loading and unloading thereof, upon and from the cars of said company inclusive, at the rate of ten cents per mile for each ton weight, and when such passengers or property are carried over and upon said road in vehicles, and by means not belonging to said company, but owned by others, the said company shall be empowered to demand and collect, as tolls therefor, at the rate of two cents per mile for each and every passenger, and at the rate of four cents per mile for each and every ton weight; and that the said company shall provide and maintain, at each end of the said road, suitable and sufficient warehouses for the reception, and protection of all such goods, produce, merchandize, and freights as shall be brought to the same, to be transported on the said road, in the carriages of the said company.

Rates for
passage and
transporta-
tion.

Sec. 22. *And be it enacted*, That from and after the completion of the said road, or its use by the company for public travel, it shall be the duty of the treasurer of the company, under oath or affirmation, to make annual returns to the treasurer of this state for the time being, of the number of passengers, and of the number of tons of goods, produce, merchandize and freight transported over said road, and thereupon to pay to the said treasurer of the state the sum of five cents for each and every passenger, and the sum of eight cents for each and every ton of freight so transported thereon; and that no tax for the use of the state shall be levied or assessed on the said company.

Annual re-
turns to be
made to State
Treasurer.

Sec. 23. *And be it enacted*, That the said company shall be required to make, put up and keep in repair, good and lawful fences on both sides of said rail road wherever the same shall pass over, and be laid out on any farm or lands from the commencement of said route to its termination.

Company to
make and re-
pair fences.

Sec. 24. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, or modify this act, whenever, in their opinion, the public good may require it.

Act may be
altered or re-
pealed.

Passed February 20, 1844.

AN ACT to authorize the United States to build a dock on the shore of the Nevisink River, and to construct a road therefrom to the Light houses on the Highlands.

U. S. authorized to build dock.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the United States, or any person or persons employed by them for that purpose, at any time hereafter, to erect, build, and maintain a dock or wharf, on the north side of the Nevisink river, in the county of Monmouth, near the Light houses on the Highlands of Nevisink, and to open, construct, maintain and keep in repair, a road or way, not to exceed twenty feet in width, from the said dock or wharf to the said Light houses; and that it shall and may be lawful for the keepers of the said Light houses, and the agents of the United States to land upon the shore, at the said wharf, or dock, with all such articles as may be necessary, and to transport the same over the said road or way to the said Light houses; which said dock or wharf, when built, and the said road when laid out, shall for ever remain and be, for the exclusive use of the United States, and the agents of the United States, having occasion to go and come, and to transport articles to and from the said Light houses; *provided,* the United States shall make reasonable compensation to the owner or owners of the land for the same; and shall erect and maintain a good and lawful fence upon the said road, in case the said owner or owners, shall, by notice, in writing require the same.

Proviso.

Proceedings in case agents cannot agree with owners of land.

Sec. 2. *And be it enacted,* That in case the person or persons so employed by the United States, cannot agree with the owner or owners of the said land, as to the place where the said wharf, or dock, shall be built, and the said road laid out, or upon the amount of compensation to be paid for the same, it shall and may be lawful for the person or persons so employed, or the owner, or owners of the said lands, to apply to one of the justices of the Supreme court of this state, having given six days notice of such application, to the opposite party, and the said Justice shall thereupon appoint three disinterested and judicious freeholders, residents of the said county of Monmouth, which said freeholders having first, severally taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully to examine the matter in question, and to act impartially in the premises, and ascertain and assess the compensa-

tion and damages to be paid by the United States, to the owner or owners of the said lands, by reason of the building of the said dock, or wharf, and for the use of the said road, or way, according to the best of their skill and understanding, and having given to the said owner or owners of the said lands, and to the person or persons so employed, five days notice of the time and place of meeting, shall proceed to examine the premises, and upon their own view, fix and designate the place where the said dock, or wharf shall be built, and where the said road, or way shall be laid out, and opened, and shall survey and lay out the said road or way, and ascertain and assess the compensation and damages, aforesaid, and shall make report thereof, in writing, under their hands, together with a map of the said road, or way, particularly describing the location of the said dock or wharf, the courses and distances of the said road, or way, and the amount to be paid as aforesaid; which report of the said freeholders or a majority of them, shall be filed within five days thereafter, in the office of the clerk of said county, and, as between the said parties, shall be final and conclusive, and the amount so assessed and reported, shall be paid to the said owner, or owners of the said lands, within ten days after the filing of the said report, and upon default of such payment, any person or persons, entering upon the said lands, for the purposes aforesaid, shall forfeit all his, or their right of entry, given by this act, and shall be taken and considered as guilty of trespass, in like manner as if this act had not been passed.

Sec. 3. *And be it enacted*, That if any person or persons shall wilfully injure or destroy the said dock or wharf, or obstruct the said road, or way, such person or persons so offending, shall severally forfeit and pay the sum of one hundred dollars, with costs of suit, to be sued for, and recovered by any person who shall first sue for the same in any court having cognizance thereof; one half thereof for the use of the said prosecutor, and the other half to be paid to the collector of the said county, for the use of the said county, and shall, also, be liable to pay the amount of damages thereby sustained, to be recovered with costs of suit, in an action on the case, in the name and for the use of the United States of America, in any court of competent jurisdiction; *provided*, that nothing herein contained, shall prevent the owner, or owners and possessors of the said land, from hanging swinging gates upon the said road, or way, wheresoever the same may be necessary, or from passing upon the said road, or crossing the same with his, or their teams, or otherwise passing from one part of his, or their said lands to another.

Penalty for
injuring dock

Proviso.

Act when to
take effect. Sec. 4. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.
Passed February 20, 1844.

AN ACT to confirm the last will and testament of Maria Remson, late of the city of New York, in the state of New York, deceased.

Preamble.

WHEREAS, it appears, among other things, from the petition of Jane Brinkerhoff and others, of the city and state of New York, that Mrs. Maria Remson, late of said city and state of New York, deceased, departed this life at her residence in said city of New York, on or about the thirteenth day of March 1843, having first made and executed in the said city of New York her last will and testament in writing in the presence of two subscribing witnesses only, which is sufficient to pass real estate in said state of New York, but not sufficient to pass real estate in New Jersey; and it appearing by the said will, among other things, that part of said real estate of said testatrix is situate in the state of New York, and part in the state of New Jersey; and, also, that the said testatrix, in and by her said will devised, among other things, as follows: *Item*. "It is my will that the farm belonging to me at Monmouth, New Jersey, now in the occupation of my sister-in-law, Catherine Brinkerhoff, may be taken at a fair cash appraisement by the children of my deceased brother, Abraham, in part of their proportion of my estate;" and it appearing that the said will has been duly proved in the said state of New York, and also to be reasonable and just that the intentions of the said testatrix should not be defeated, so far as they relate to her real estate in New Jersey—therefore,

Will of M.
Remson con-
firmed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said last will and testament of the said Maria Remson, deceased, late of the city and state of New York, bearing date the seventh day of January, A. D. eighteen hundred and forty two; and the several bequests and devices therein contained, shall be, and the same are

hereby declared as good, valid, and effectual in the law, to all intents and purposes, as if the said will of Maria Remsen had been executed, signed, sealed, published, and declared in the presence of three subscribing witnesses, in the manner prescribed by law.

Passed February 20, 1844.

AN ACT to authorize Catharine Layton, Administratrix of John Layton, late of the county of Somerset, deceased, to execute a contract made by said John Layton in his lifetime, for the sale of land.

WHEREAS, it is represented by the petition of Catharine Layton, widow of the said John Layton, deceased, and administratrix of his estate, that he, the said John Layton, a short time previous to his death, sold a lot of land of about four acres situate in the township of Bernards in the said county of Somerset, to one Benjamin H. Lane, for the sum of fifty-nine dollars and thirty-six cents, and also, a house and lot of land of about seven acres, situate in the same township of Bernards, to one John Dowe, for the sum of one hundred and fifty dollars, and that the said John Layton, by virtue of the said bargain of purchase and sale, delivered the possession of the said lots, to the said Lane and Dowe, and received from them a part of the consideration money; and the said Catharine praying the aid of the legislature in the premises, by passing a law, authorizing her, as administratrix, to execute good and sufficient deeds in law, to the purchasers, and the prayer of the said Catharine, appearing reasonable and just, **THEREFORE—**

Preamble.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Catharine Layton, executrix of the estate of John Layton, late of the county of Somerset, deceased, be, and she is hereby authorized to make, execute and deliver to the said Benjamin H. Lane and John Dowe, good and sufficient deeds of conveyances, in fee simple, for the said lots of land; which said deeds duly executed, shall convey to, and vest in the grantees therein named, all the estate, right, title

Execution authorized to execute contract.

and interest of which the said John Layton, died seized, in, and to the same, as fully and effectually, as if the said deeds had been duly executed by the said John Layton in his lifetime.
Passed February 28, 1844.

AN ACT authorizing the sale of the Parsonage lot of the Methodist Episcopal Church, at Asbury, Warren County.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state. and it is hereby enacted by the authority of the same,* That E. W. Cummins, Jesse L. Fritts, Thomas Hilton, Daniel Stires, Isaac Fangboner, Matthias Brakely and Gershom Rusling, the present stewards for the Asbury Circuit, of the Methodist Episcopal Church, in the counties of Warren and Hunterdon, and State of New Jersey, are hereby authorized and empowered to sell at public sale, and convey in fee simple or otherwise, the parsonage lot belonging to the Methodist Episcopal Church of the Asbury Circuit, situate, lying and being in Asbury, in the county of Warren, adjoining lands of Isaac Smith, Thomas Schureman, Esqs., and others, containing three acres, or such part thereof as they think proper, at public sale, which conveyance so made and executed by the above named stewards, their successors, or a majority of them, shall vest in the purchaser or purchasers, all the estate, right and title, which the said stewards now have, or which any other person or persons have in, and to the same, by virtue of a deed of conveyance from Dr. John P. B. Sloan, and Keturah his wife, and Gershom Rusling and Eliza his wife, to William McCullough, William Godly, William Monroe, Jeremiah Hoff, Ruben Lee, Wilson Bray and Peter Kimple, the former stewards of the said, the Asbury Circuit, which deed is dated on the twenty-first day of February, in the year of our Lord eighteen hundred and twenty-eight, and recorded in the Warren county clerk's office, in book No. 6 of deeds, folio 485.

Stewards authorized to sell lands.

Interest vested in purchaser.

Sec. 2. *And be it enacted,* That the said deed or deeds, to the purchaser or purchasers of the said premises, or any part thereof, executed as in the preceding section directed, shall vest

in the said purchaser or purchasers thereof, as good and sufficient title and estate in the said premises as the said John P. B. Sloan and Keturah his wife, Gershom Rusling and Eliza his wife, had therein at the time of the conveyance from them to the above named former stewards;—*Provided, however,* that the said deed or deeds of conveyance shall not in any way *Previso.* or manner affect any legal claim or demand, if any there be, of any person or persons whatever, other than the said persons above named.

Sec. 3. And be it enacted, That within ninety days after such sale, the said stewards shall make a statement of their proceedings, containing the time and amount of the sale, and the expenses attending the same, which statement they shall cause to be entered at length upon the minutes of the quarterly meeting conference of the said, the Asbury Circuit; they, the stewards, shall pay the debt which is now due and owing for said lot, together with their expenses attending the sale and conveyance, and the balance shall be held in the place and stead and for the like purposes for which the said lot of land was held, and be used and applied accordingly.

Stewards to
make state-
ment of pro-
ceedings.

Passed February 23, 1844.

AN ACT to provide for the election of Delegates to a Convention, to prepare a Constitution for the Government of this State, and for submitting the same to the people thereof, for ratification or rejection.

Sec. 1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That an election for Delegates, to meet in Convention to frame a Constitution for the government of this State, shall be held in the several counties of this State, on the eighteenth day of March next, at the places where the last annual election for township or city officers were held in the several townships or cities in this State; and that the said election shall be conducted and held by the same officers who held the last annual election for members of the Legislature, except in those cases where new officers shall be elected prior to the eighteenth day of March next; and, in that case, said

Election
when to be
held.

election shall be held by such newly elected officers, and shall, in all respects, be conducted, as nearly as may be, according to the law regulating the annual State election that may be in force on the said eighteenth day of March;—*provided*, that every white male citizen of the United States, above the age of twenty-one years, who shall have resided within this State for one year next preceding the said election, and shall be an actual resident of the township or ward where he offers to vote, and in the county where he claims to vote, for three months next preceding such election, shall be entitled to vote for Delegates to said Convention.

Number of
Delegates to
be chosen.

Sec. 2. *And be it enacted*, That the number of Delegates to be chosen to such Convention, by virtue of this act, shall be equal to the number of members of the General Assembly which the respective counties, at the time of such election, may be authorized by the then existing laws to elect, and shall be chosen in and by the respective counties.

Voting to be
by ballot.

Sec. 3. *And be it enacted*, That each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons for whom the voter intends to vote; and no ballot shall contain a greater number of names of Delegates than that to which the county where such ballot is cast is entitled.

Votes, how
canvassed.

Sec. 4. *And be it enacted*, That the votes given at such election shall be canvassed, and the result certified by the same officers, according to the directions, as nearly as may be, of the laws regulating the election of members of the State Legislature which shall be in force on the eighteenth day of March.

Vacancies,
how sup-
plied.

Sec. 5. *And be it enacted*, That in the absence of any of the officers of said elections, such vacancy or vacancies shall be filled in the same manner provided by the general election laws of this State.

Delegates,
when to
meet.

Sec. 6. *And be it enacted*, That the Delegates so chosen as aforesaid, shall assemble at the State House, in Trenton, on the fourteenth day of May next: they shall be the judges of the qualifications, election, and returns of their own members; shall have power to choose a President and Secretary, and all other necessary officers, and make such rules and regulations for the government of the Convention as a majority of the Delegates shall approve; and, before entering upon the discharge of their duties under this act, they shall severally take an oath or affirmation to support the Constitution of the United States, and to perform the duties of their offices honestly and faithfully; which oath or affirmation shall be administered by

for the purposes of said corporation; and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said company: and may also have a common seal; and alter and renew the same at pleasure; also, may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same into execution:—Provided, that they be not contrary to the constitution or laws of this State, or of the United States:

Sec. 2. *And be it enacted*, That all persons who shall insure with the said incorporation, and, also, their heirs, executors, administrators and assigns, continuing to be insured in said incorporation, as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured by said corporation, and no longer.

Persons insuring to become members.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of said corporation, shall be managed, and conducted by fifteen directors, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business.

Affairs of corporation to be managed by 15 directors.

Sec. 4. *And be it enacted*, That Isaac D. Tittsworth, Jacob Harris, Benjamin Sheppard, Daniel L. Burt, Leonard Lawrence, Joseph Taylor, Thomas Lee, Jacob W. Ludlam, William S. Bowen, Robert S. Buck, Isaac A. Sheppard, David P. Elmer, Samuel Harris, Nathan L. Stratton, and George Ayres shall be the first directors of said corporation; and that annually hereafter, a board of directors may be elected at such time and place in the county of Cumberland, and state of New Jersey, as the said corporation in their by-laws shall appoint, of which election, due notice shall be given in at least one of the public newspapers printed in said county, for two weeks immediately preceding such election; and it shall be the duty of the board of directors for the time being, to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in and to declare the result of such election, which shall be by a plurality of the votes of the members, or their proxies then present, allowing one vote to each member for every hundred dollars insured in said company; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such

First directors.

Mode of conducting annual election of directors.

election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election, until set aside by some court having competent authority to do so.

Directors to
appoint officers.

Sec. 5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies, how
made.

Sec. 6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the president, and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon said company; and the company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy.

Persons ins-
uring to de-
posit promis-
ory note.

Sec. 7. *And be it enacted*, That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, and that part, not exceeding five per cent. of said note, shall be immediately paid, and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan or put out on interest their monies or any part thereof, not immediately wanted for the purposes of said corporation, on bonds and mortgages, on real estate, or may invest the same or any part thereof in government or other stocks, and may from time to time call in such monies or change such investments.

Monies may
be loaned.

Transfer of
policies.

Sec. 8. *And be it enacted*, That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such sur-

under the assured shall be entitled to receive his deposite note or notes upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors, for such portion of the depositor premium note or notes, as shall remain unpaid; and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy insured was entitled and subjected.

Sec. 9. *And be it enacted*, That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposite note or notes; and all buildings insured by said company, together with the right, title and interest of the assured, to the lands on which they stand, shall be, and they are hereby pledged to said company; and the said company shall have a lien thereon, in the nature of a mortgage, to the amount of his deposite note, which shall continue during his policy, and commence whenever the said company shall file with, and have entered in the book of mortgages, kept by the clerk of the county where the property is situate, a memorandum of the name of the insured, a description of the property, the amount of the deposite note or notes, and the term for which said policy shall continue.

Members of
company
bound to pay
losses.

Sec 10 *And be it enacted*, That suits at law, or in equity, may be maintained by said corporation against any of its members, for the collection of their deposite notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law, or in equity, may be prosecuted and maintained by any member, against said corporation, for losses or damages by fire, if payment be withheld more than three months after the company are duly notified of such loss, or damage; and no member of the corporation, not being in his individual capacity, a party to such suit, shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Corporation
may be sued
payment if
be withheld.

Sec. 11. *And be it enacted*, That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage; settle and determine the sums to be paid by the several members thereof, as their respective proportions of said loss, and

Proportion
of loss or
damage to be
paid by each
member.

publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member, shall always be in proportion to the original amount of the deposit note, or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice, and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed, upon him as his proportion of any loss as aforesaid; in such case the directors may sue for and recover the whole amount of his deposit note, or notes, with costs of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his, or her policy.

Members
may be as-
sessed in case
of deficiency.

Sec. 12. *And be it enacted*, That whenever, and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon, and demand from each member, a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note and assessment, among the sufferers by such fire, who have been insured by said company, in proportion to their losses and the amounts by them respectively insured, but no assessment of a greater amount than one dollar on every hundred dollars, by the members respectively insured, shall at any time, be made for the loss or damage occasioned by any one fire, and any member who shall pay the whole amount of his, or her deposit note, and of any assessment then made, and surrendered, his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

When poli-
cies may be
issued.

Sec. 13. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of forty thousand dollars at least.

Place of busi-
ness.

Sec. 14. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the county of Cumberland as shall be designated by a majority of the directors present, at their first regular meeting in every year.

Directors to
make state-
ment.

Sec. 15. *And be it enacted*, That at every annual meeting of the said company, the directors for the time being, shall make or exhibit a full and true statement of the affairs and

business of the said company, for the preceding year, for the general satisfaction of the members of the said company. Officers of other companies not to hold office in this.

Sec. 16. *And be it enacted*, That no officer or agent of any other insurance company, engaged in insuring houses, stores, and personal property, against loss by fire, shall hold any office in this company.

Sec. 17. *And be it enacted*, That this act shall continue in force forty years, subject to be altered, amended, modified or repealed, by the legislature, at any time hereafter, when in their opinion, the public good may require it Limitation.

Passed February 23, 1844.

AN ACT for the relief of Elijah Anderson of the county of Monmouth.

Sec. I. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the Treasurer of this state be, and he is authorized and required to pay unto Elijah Anderson, of the county of Monmouth, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the fourth day of March next, and the receipt of the said Elijah Anderson, or his order, shall be a sufficient voucher to the treasurer in the settlement of his accounts. \$60 per annum to be paid to Elijah Anderson.

Passed February 23, 1844.

AN ACT to incorporate the City of Perth Amboy.

Style of incorporation.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the inhabitants of the City of Perth Amboy, as the same now extends and is laid out, and their successors be, and hereby are, forever constituted a body corporate in fact and in law, by name, style and title of "The inhabitants of the City of Perth Amboy," and shall at all times hereafter be capable in law, to hold and possess, and at their will and pleasure, to sell and convey lands, tenements, and hereditaments, goods, chattles, and effects; and by the name, and style aforesaid, shall sue and be sued, defend and be defended, in all courts of record, and elsewhere, in all manner of actions whatsoever, and shall make and use a common seal, and the same to alter and renew at pleasure.

Rights and property vested in corporation.

Sec. 2. *And be it enacted*, That the said, "The inhabitants of the City of Perth Amboy," are hereby absolutely vested with, and possess all the property, rights, causes of action, and estate, whatsoever, both at law and in equity, which at the passage of the act, belong to the present, "The Mayor, Recorder, Aldermen, and Commonalty of the City of Perth Amboy," and "The inhabitants of the township of Perth Amboy, in the county of Middlesex," as the same are now incorporated: *provided*, nothing herein shall effect any suit now pending in the name of the said city or township of Perth Amboy.

Officers. Officers to take oath or affirmation.

Sec. 3. *And be it enacted*, That there shall be hereafter, in said city, a Mayor who shall be keeper of the city seal; a Recorder, who, in case of the death, or disability of the Mayor, shall execute the duties of the Mayorality, three Aldermen, six members of Common Council, one Clerk, one Assessor, one Collector, and one Treasurer.

Time & mode of annual election.

Sec. 4. *And be it enacted*, That the Mayor shall, before he enters upon the duties of his office, take and subscribe before the Clerk, the oath or affirmation of allegiance to this State; and an oath or affirmation that he will, faithfully and impartially, and justly perform all the duties of such office, so far as in him lies; and the other officers, appointed by virtue hereof, shall in like manner take and subscribe before the Mayor or Clerk, similar oaths or affirmations, which shall be so taken and subscribed within ten days after the election to be held as hereafter mentioned, and shall be filed by the clerk.

Sec. 5. *And be it enacted*, That the election, in, and for

said city, shall be held on the second Monday of April, and the clerk shall cause public notice of the time and place of holding such annual election, to be set up in five public places in the city, at least one week, previous to the day of such election, and all persons, inhabitants of said city, who now are or hereafter may be qualified to vote at township meetings in the several townships of this State, shall be entitled to vote thereat.

Sec. 6. *And be it enacted,* That at the next annual election to be held on the second Monday of April next, it shall and may be lawful for the electors of said city to assemble at the Court House therein, and then, and there, by ballot, and a plurality of votes, to choose from among the citizens residing therein, and entitled to vote at such election, one Mayor, one Recorder, three Aldermen, six members of the Common Council, one Clerk, one Assessor, one Collector, one or more Overseers of the Poor, three or more School Committeemen, one or more Constables, three or more Commissioners of Appeal in cases of taxation, two Chosen Freeholders, two Surveyors of the Highways, who shall continue in office for one year, and until their successors shall be elected and qualified; and on the second Monday of April, annually thereafter, the electors qualified as aforesaid, shall and may assemble at such place as may be appointed by the City Council, and then, and there in manner aforesaid, elect the said officers for the like term of one year, and till their successors are chosen and qualified.

Officers to be
elected by
ballot.

Sec. 7. *And be it enacted,* That the poll for the next and each succeeding election shall be opened at the hour of two o'clock and closed at the hour of seven o'clock in the afternoon; the judge of election, assessor and collector of the township of Perth Amboy, shall be the judges of the next election, and the same officers as chosen by virtue of this act, shall be the judges of each succeeding election, any vacancy or vacancies shall be filled in the manner regulating the same in the several townships of this State; the names of all persons voting, shall be written in a Poll Book to be kept by the clerk of the township, at the next election, and thereafter by the city clerk; and the judges shall, after counting the votes for the several candidates, certify the result under their hands and file the same in the office of the clerk.

Mode of con-
ducting elec-
tion.

Sec. 8. *And be it enacted,* That the Clerk, the Assessor, Collector, Judge of Election, Commissioners of Appeal, Chosen Freeholders, Surveyors of the Highways, Constables, and School Committee, shall respectively possess the powers and perform the duties of the like officers of any township of this State, so far as shall be consistent with this act, and the Com-

Duties of of-
ficers.

mon Council shall possess the powers and perform the duties which are now vested in the township committee of any township in this State, so far as the same are consistent herewith.

Duties of assessor and collector. Sec. 9. *And be it enacted,* That the city assessor shall assess upon persons and property, and the city collector shall collect the State and county taxes in like manner as the same, now or hereafter may be assessed, and collected in the several townships, and in case of non-payment of taxes the collector shall return the names of all delinquents to such magistrate as the City Council shall direct to be proceeded with according to law.

Elections for officers of General and State Government. Sec. 10. *And be it enacted,* That all elections hereafter to be held in the city for officers of the general and State governments that may be eligible by the people, shall be held therein, at the place appointed for holding the city election on the day or days, now or hereafter to be designated by law, for holding such election, and shall be regulated and conducted in the same manner as the like elections in the several townships now are or may be subjected to, and conducted, and the judges thereof shall possess the same power, perform the same duties, receive the same emoluments, and incur the same penalties as are imposed on the judges of the like elections in the several townships of this State.

Duties of Mayor, &c. Sec. 11. *And be it enacted,* That the Mayor, Recorder, Aldermen and Common Council, shall be vested with the same power and duties as are recited in the ninth section of the act incorporating the city of Perth Amboy, passed 21st December, 1784, now in force.

City Council how constituted. Sec. 12. *And be it enacted,* That the Mayor, Recorder, Aldermen and Common Council, or the major part, of whom the Mayor or Recorder shall be one, shall constitute a city council, which shall have power to meet on their own adjournments, and the whole legislative authority shall be exclusively vested therein, *Provided,* no ordinance or by-law be passed, altered or repealed without the consent of a majority of all the members thereof.

Tavern licenses. Sec. 13. *And be it enacted,* That the City Council assembled, or a majority of them, may license such and so many tavern keepers within said city, under the same restrictions as the Court of Common Pleas, may, or can do, and no license within said city, granted by any other court in the county shall be lawful.

Officers of Council. Sec. 14. *And be it enacted,* That the City Council, when assembled, shall appoint a President, City Treasurer and such other subordinate officers as to them shall seem neces-

sary, and require such security, annex such duties and fees to the officers, and impose such fines for neglect of duty, or misconduct therein, as to them shall appear right and proper.

Sec. 15. *And be it enacted*, That the Treasurer shall make an annual statement of all moneys raised or received by tax, or otherwise, and of the expenditures of the same, and shall publish the same, at least, one week before the annual election, in such manner as the City Council shall direct.

Treasurer to make annual statement.

Sec. 16. *And be it enacted*, That the City shall be entitled to the same share of the School Fund as is now, or hereafter may be appropriated to the township, and the moneys received therefrom, shall be disposed of and applied to the support of common schools, or schooling poor children, as the common council shall direct.

School fund.

Sec. 17. *And be it enacted*, That every constable of the city shall take and subscribe before the clerk, an oath or affirmation, in the form prescribed by law for constables of townships, using the word "City" for "Township," and shall execute to "the inhabitants of the city of Perth Amboy," a bond with one or more sureties, to be approved by the common council, in the form, as nearly as may be, as set forth in the fifty-eighth section of the act for the trial of small causes, which oath or affirmation and bond shall be filed with the clerk, and all suits on such bond shall be conducted in like manner, and within the time prescribed by law for prosecuting suits on constable's bonds.

Oath or affirmation of Constables.

Sec. 18. *And be it enacted*, That all the duties and liabilities heretofore imposed on the inhabitants of the several townships of this state, not inconsistent with this act, shall be sustained and performed by the inhabitants of the city of Perth Amboy, and all the rights and privileges heretofore conferred on the inhabitants of the several townships, so far as they are in conformity herewith, shall be held and possessed by the inhabitants of said city, in like manner as they were sustained and performed, and held, and possessed, by the inhabitants of the township of Perth Amboy, had this act not been passed.

Duties and privileges of corporation.

Sec. 19. *And be it enacted*, That the Mayor, Recorder and Aldermen, or any one of them, shall not hereafter be deemed or taken to be a justice of the peace for any purpose whatever, but the Council and Assembly in joint meeting shall appoint a justice of the peace, within the said city, who shall be commissioned by the Governor as justices of the peace are now appointed and commissioned, and shall continue in office for the term of five years, and shall in all respects be

Mayor, Recorder and Aldermen not Justices of the Peace.

considered a justice of the peace within the meaning of the act for the trial of small causes.

Act to be
deemed a
public act.

Sec. 20. *And be it enacted*, That this act shall go into effect on the second Monday of April next, and shall be considered a public act; but the joint meeting may at any time before that period, appoint the justice of the peace, as herein provided, who shall enter on the duties of his office on the second Monday of April next.

Former act
repealed.

Sec. 21. *And be it enacted*, That the act incorporating the city of Perth Amboy, passed 21st December, 1784, except the ninth section thereof, and all other acts and parts of acts not consistent herewith, be, and the same are hereby repealed, from and after the second Monday of April next.

Passed February 27, 1844.

A supplement to the act entitled, "An act for preventing the injury of illegal confinement and better securing the liberty of the people," passed the eleventh of March seven-teen hundred and ninety-five.

Writ of ha-
beas corpus
may be ap-
plied for in
certain cases.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That any person who may be arrested or imprisoned, by virtue of any civil process issued out of any court of law or equity in this state, in any action of debt or other action founded upon contract express or implied, shall be entitled to apply for the writ of habeas corpus, and shall have all the rights and privileges granted to persons confined in prison by the act entitled "An act for preventing the injury of illegal confinement and better securing the liberty of the people" passed the eleventh of March, one thousand seven hundred and ninety-five, any thing in the eighth section of said act notwithstanding.

Passed February 27, 1844.

A supplement to the act entitled "An Act to incorporate the Passaic Steamboat Company."

WHEREAS, the commissioners named in the act to which this is a supplement, opened books of subscription at the times and places appointed therein, and received subscriptions to the capital stock of said company;—and whereas, the said subscribers or stockholders afterwards elected the following persons as directors of said company, that is to say, William Dow, John C. Lloyd, N. N. Jeroloman, Richard Morrell, John A. Post, Daniel Holsman, (now deceased) Abraham Godwin, Russell Stebbins, and Jacob M. Ryerson;—and whereas, owing to various embarrassments, a large proportion of the stock subscribed for has not been paid up, and the company has been unable to commence operations under the charter; and the said directors having besought the legislature to extend their aid in the premises and authorize them to commence business with a capital of twenty-five thousand dollars, and in other respects to amend the said charter; now, therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the above mentioned William Dow, John C. Lloyd, N. N. Jeroloman, Richard Morrell, John A. Post, Abraham Godwin, Russell Stebbins, and Jacob M. Ryerson, or a majority of them, be authorized to receive subscriptions for the capital stock of said company; and that a book to receive the same shall be opened at such time and place as the said directors, or a majority of them, shall appoint, they first giving ten days' notice of the time, place and purpose of opening said book, in the newspapers published in Paterson, and if a less number than one thousand shares of said capital stock should be subscribed on said day, the said directors, or a majority of them, may upon like notice, open the subscription book at such other time and place as they, or a majority of them, may deem proper; and that the said company shall be at liberty to commence operations as soon as the sum of twenty-five thousand dollars shall be subscribed and paid in.

Names of incorporators.

Sec. 2. *And be it further enacted,* That the said directors shall, within two weeks after receiving said subscription, call a general meeting of the stockholders, upon ten days' notice published.

Books of subscription to be opened.

Time and
mode of an-
nual election
of directors.

lished in the newspapers aforesaid, who shall then and there elect seven directors of said company, who shall have the management of the concerns of the same, and remain in office until the first Tuesday of January then next, at and after which time the like number of seven directors of said company shall be annually elected by the stockholders of said company; and in case of any failure or omission to elect on that day, the said charter shall not be forfeited, but the election shall be held on some other day to be afterwards appointed.

Duties of di-
rectors.

Sec. 3. *And be it further enacted*, That the above named directors, or a majority of them shall, on the election of a new board of directors, as is above provided, pay the amount of the subscription money by them received, to such new board of directors, or to their treasurer, and hand over to them or their President, the subscription book and any other books, papers and memorandums relating to the business of the said company.

Part of capital
stock to be
employed in
improving
navigation of
Passaic river.

Sec. 4. *And be it further enacted*, That in addition to the objects specified in the fifth section of the act to which this is a supplement, the said company are hereby authorized to employ a part of their capital stock in extending the navigation of the Passaic river, in clearing out rocks, reefs or other obstructions in said river, and in otherwise improving the navigation thereof.

Part of for-
mer act re-
pealed.

Sec. 5. *And be it further enacted*, That such parts of the original act as are contrary to the provisions of this supplement, be and the same are hereby repealed.

Passed February 26, 1844.

AN ACT to divorce Jeremiah Arose, of the county of Middlesex, from his wife, Lydia Arose.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Jeremiah Arose, of the county of Middlesex, and Lydia, his wife, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony.

Passed, February 27, 1844.

A supplement to the act to incorporate the owners of certain fisheries in the Upper, Dennis, Middle, and Lower township, in the county of Cape May, passed February twenty-six, eighteen hundred and thirty-nine.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the several inhabitants of the Upper township and township of Dennis, in the county of Cape May, and their heirs and assigns, who now are or may hereafter become owners of the said fisheries, and rights of fishing and fowling, and privileges so granted and conveyed as aforesaid by the said Jacob Spicer, be, and they are hereby incorporated by the name of the "General Association of the Upper Precinct (now Upper township,) in the county of Cape May," and by the same name are hereby declared and constituted a body politic and corporate, in law for and during the term of twenty years, and from thence to the end of the next session of the legislature, and no longer, and as such shall and may have succession, and be able and capable in law to sue and be sued, implead and be impleaded in all courts and places whatsoever, and may have and use a common seal, and the same alter, change, and renew at their pleasure, and shall and may hereafter during the term aforesaid, have and enjoy all the rights, powers and privileges incident to a body politic and corporate, for the use, enjoyment, management and preservation of their common property, and for no other interest or purpose whatever.

Style of Incorporation.

Limitation.

Powers.

Sec. 2. *And be it enacted,* That the first and second sections of the act to which this is a supplement, and all other parts of the said act as are inconsistent with and contrary to this supplement, be, and the same are hereby repealed.

Part of former act repealed.

Passed February 27, 1844.

AN ACT to divorce Charles Crossley, of the County of Essex, from his wife Margaret Crossley.

Charles and
Margaret
Crossley di-
vorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Charles Crossley, of the county of Essex, and his wife Margaret Crossley, be, and the same is hereby dissolved, as fully and to all intents and purposes, as if they had never been joined together in matrimony.

Passed February 27, 1844.

AN ACT to divorce Mary Conger, of the county of Essex, from her husband, Horace Conger.

Mary and
Horace Con-
gar divorced.

Proviso.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract, heretofore existing between Mary Conger, of the county of Essex, and her husband, Horace Conger, be, and the same is hereby absolutely dissolved, as fully to all intents and purposes, as if they had never been joined in matrimony.—*Provided* that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Passed January 27, 1844.

AN ACT to incorporate "The Apalachicola Land Company."

WHEREAS, it is represented to this legislature, that Dudley S. Gregory, Andrew S. Garr, William G. Hackstaff, Jonathan Ogden, and their associates, have the beneficial interest in a certain tract of land in Florida, situate between the St. Marks and Apalachicola rivers, and west of the same, known as Forbes & Co.'s purchase, which is divided into two thousand four hundred shares, and the legal title to which is vested in trustees for the use and benefit of the said Dudley S. Gregory, Andrew S. Garr, William G. Hackstaff, Jonathan Ogden, and other holders of the said shares ;—and whereas, the said share holders have presented a petition to the legislature, praying to be incorporated, to the end that they may be thereby enabled to hold, improve, manage and dispose of the said tract of land without further needing the intervention (which is found to be inconvenient and embarrassing,) of trustees for that purpose, and such prayer appearing reasonable : therefore—

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Dudley S. Gregory, Andrew S. Garr, William G. Hackstaff, Jonathan Ogden, and all other persons interested with them, as holders of the said shares, shall be, and hereby are constituted a body corporate, by the name and style of "The Apalachicola Land Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and renew and alier the same at their pleasure, and by the same name shall be and hereby are made capable in law to have, hold, and enjoy, to them and their successors, the said tract of land, and the rents, profits, proceeds and avails thereof, and the same to grant, demise, alien or dispose of at pleasure, for the benefit of the said share holders and their legal representatives, in proportion to their respective shares as aforesaid ; *provided, nevertheless,* nothing in this act shall be so construed as to exempt the holders of the said shares from being liable personally for

Names of
corporators.

Style of in-
corporation.

Powers.

all legal actions, costs and damages, as other citizens of this state.

May make By-laws &c. *Sec. 2. And be it enacted,* That the said share holders and their successors shall have power to make such by-laws, orders and regulations, touching the improvement, management, leasing, sale and disposal of the said tract of land, and the rents, profits, proceeds and avails thereof, not inconsistent with the constitution and laws of this state, and of the United States, and of the territory of Florida, as to them shall appear proper and necessary.

Former contracts to be fulfilled by present incorporation. *Sec. 3. And be it enacted,* That all lawful contracts heretofore made by the former or present trustees or directors of the association hereby incorporated, for the sale of any part or parts of the said tract, or in any way concerning the same, or the improvement thereof, shall be assumed and performed by the said corporation.

Time of annual election of directors. *Sec. 4. And be it enacted,* That the said share holders and their successors, shall and may, on the first Monday of May next, and on the first Monday of May in every year thereafter, at Jersey city in the county of Hudson, elect nine of their members to be the directors of the said corporation, who, or a majority of whom shall reside in the state of New Jersey, and shall have power to manage and conduct the affairs of the said corporation, by the name and style herein above mentioned, and to improve, manage, lease, sell and dispose of the said tract of land, in manner aforesaid, and to exercise all the powers granted to the said corporation by this act, under the regulations and restrictions herein contained, and to make rules and regulations for the government of their own board, and the time and mode of transacting business therein, and to appoint a Secretary and all other necessary officers and agents, for the purposes intended by this act; such election shall be by ballot, and each share holder may vote at such election in person or by proxy, and shall be entitled to one vote for each share he shall hold in the said company; and the directors so elected shall enter upon their offices on the first Monday thereafter in each year, and shall continue in office for one year from and after the time last mentioned, and until others shall be elected in their stead. The directors so elected shall at their first meeting, choose one of their number to be the President of the said corporation during their continuance in office.

Powers and duties.

Restrictions. *Sec. 5. And be it enacted,* That the corporation hereby created shall not use any part of their capital or property

in carrying on any banking operations, or for any other purpose than of carrying on the operations authorized by this act.

Sec. 6. *And be it enacted*, That the legislature may, at any time hereafter, alter, amend, or repeal this act, whenever in their opinion the public good shall require it. Act may be altered or repeated.

Passed February 27, 1844.

AN ACT to incorporate the proprietors of the Clinton Cemetery, in the county of Essex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Thomas Belcher, Samuel H. Gardner, Allen Osborn, Alvah Sherman, and Ithamar W. Bonnel, and their associates, be, and are hereby made, a body politic and corporate in law, under the name, style, and title of the Clinton Cemetery Association, and by that name shall be able and capable in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as may be requisite for carrying on the necessary objects specified in this act, as are incident to a corporation. Names of corporators.

Style of incorporation.

Sec. 2. *And be it enacted*, That the said corporation shall be composed only of persons who are, or shall be owners of sub-lots, or burial places in the said cemetery, and that the said corporation shall have power to take and hold the fee, in the tract of land, situate in the township of Clinton, beginning at the east corner of a lot of land belonging to Stephen Jagers, on the north west side of the road leading from Baker's Mills to Camptown, thence along the north west side of said road, north thirty degrees and forty-five minutes, east three chains and fifty links to the line of widow Phebe Blake; thence along the line of said widow Blake, north, sixty-five degrees and forty-five minutes, west, six chains to a corner; thence, still along the line of said widow Blake, south, thirty degrees and forty-five minutes, west, three chains and fifty links, to the line

Boundaries of land to be held by corporation

of Stephen Jagers, thence along the line of said Jagers, south, sixty-five degrees and thirty minutes, east, six chains, to the place of beginning, containing two acres and eight hundredths of an acre, strict measure, being the premises conveyed by Phebe Blake, to the said Thomas Belcher, Samuel H. Gardner, Allen Osborn, Alvah Sherman, and Ithamar W. Bonnel, as trustees, or their successors, in behalf of the Association, in the township of Clinton, by deed, bearing date the twenty-seventh day of July, one thousand eight hundred and forty-two, and recorded in the clerk's office, in the county of Essex, in book T 5, of deeds for Essex county, pages 453, 454, and 455, for such Cemetery and such other tract of land which the said corporation may hereafter add thereto, for the purpose aforesaid, not exceeding ten acres in the whole, and that the said corporation shall hold such tract or tracts of land in trust and for the uses herein mentioned, to wit: first, the said corporation may sell or otherwise dispose of the sub-lots in the said Cemetery, and take the proceeds of sale to their only proper use and behoof; but such sub-lots shall be occupied only as burial places for deceased human beings, with the use and privileges of the several walks and passages; and may erect on said tract or tracts of land, such buildings as they may deem suitable for the establishment. Second, the sub-lots shall be conveyed to the respective purchasers, in fee, on the payment of the purchase money, and the purchaser, his, or her heirs or assigns, shall have the exclusive use and occupation thereof, only for the interment of deceased persons, with the common use of the walks and passages, subject to such regulations as may be established by the said association for digging graves, building vaults, and ornamenting, and preserving the said plots.

Objects of incorporation.

Powers and duties of managers.

First Managers.

Sec. 3. *And be it enacted*, That the care and management of the said Cemetery and the business of the said corporation shall be confided to five managers, being lot holders, who shall have the exclusive superintendence thereof, with power to appoint and employ such officers and agents as they may deem expedient, and to fix the compensation of such officers and agents, which managers shall be chosen annually, by the owners of the sub-lots, at such time and place, and in such manner as the board of managers may direct, and for the first year, and until others shall be chosen, Thomas Belcher, Samuel H. Gardner, Allen Osborn, Alvah Sherman, and Ithamar W. Bonnel shall serve as managers, and the managers for the time being im-

mediately before proceeding to an election, shall report to the proprietors, the state of the affairs of the association, and the proprietors present shall then have power to elect managers and direct such improvements to be made, as they may deem expedient.

Sec. 4. *And be it enacted*, That no streets or roads shall be hereafter opened through the lands of the said corporation, occupied as a burial ground, nor shall any part or parcel of the premises, occupied as aforesaid, be subject to sale by virtue of execution or any legal process; but the managers of the said premises shall be liable, jointly and severally in their own estate, for all debts contracted by said company in carrying out the objects of the said incorporation.

Streets not to be opened through their lands.

Passed February 28, 1844.

AN ACT to authorize the trustees of the Presbyterian Church in Baskingridge, in the county of Somerset, to sell and convey certain real estate.

WHEREAS, it has been represented that the Presbyterian Church in Baskingridge, in the county of Somerset, have been, and still are the owners and possessors of a certain lot of land, situated in the township of Bernards, in said county, containing about twenty-six acres;—and whereas, the trustees of said church, believing that the interest and prosperity of said congregation would be promoted by the sale of said lot, have petitioned the legislature to pass a law for that purpose—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the trustees of the Presbyterian Church in Baskingridge, in the county of Somerset aforesaid, be and they are hereby authorized and empowered to make sale and conveyance of the aforesaid lot of land for the best price that can be obtained for the same; which conveyance so made by the said trustees, shall vest

Trustees authorized to sell land.

in the purchaser or purchasers, all the estate, right and title which the said trustees had of, in, and to the same at the time of said conveyance.

Proceeds of
sale how ap-
plied.

Sec. 2. *And be it enacted*, That the proceeds arising from such sale, shall be applied to the payment of the debt or debts, now existing against said church, and to no other purpose whatsoever, until such debt or debts are satisfied; and the trustees shall, within one month after such sale, make a full statement of all their proceedings, which statement shall be entered at length on the minutes of said society.

Passed February 28, 1844.

A supplement to the act entitled "An act to incorporate the Paterson and Ramapo Railroad Company."

Former act
how to be
construed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the twentieth and twenty-second sections of the act to which this is a supplement, shall be so construed as to secure to the state the payment of five cents only for each and every passenger, and of eight cents only for each and every ton of goods, produce, merchandize and freight carried and transported over said railroad, and that the exemption from taxation contained in the said twenty-second section, shall be construed to extend only to taxes, for the use of the state, anything in the said act to the contrary notwithstanding.

Sec. 2. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed February 28, 1844.

AN ACT to divorce Sarah M. White, of the county of Passaic, from her husband, Oliver A. White.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Sarah M. White, of the county of Passaic, and Oliver A. White, her husband, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony; *provided,* the issue of said marriage shall not be deemed illegitimate in consequence of the passage of this act.

Sarah M. and
Oliver A. White di-
vorced.

Proviso.

Passed, February 28, 1844.

AN ACT to dissolve a marriage contract between Sarah E. Snowhill, and Thomas Bown, of the county of Middlesex.

WHEREAS, it is represented that Sarah E. Snowhill, in the year eighteen hundred and forty, when under the age of sixteen years, was induced without the knowledge or consent of her parents, to accompany Thomas Bown to the city of New Brunswick, for the purpose of being married;—and whereas, the said marriage was never in anywise consummated, nor have the said parties at any time resided together or demeaned themselves as man and wife:

Sarah E.
Snowhill and
Thomas
Bown divor-
ced.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That the said marriage be dissolved, and it is hereby declared absolutely void, and of none effect, and that the said Sarah E. Snowhill, be, and she is hereby wholly released therefrom.

Passed February 28, 1844.

AN ACT to divorce John Higgins, jr., of the county of Warren, from his wife, Isabella Higgins.

John and Isabella Higgins divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract heretofore existing between John Higgins, jr., of the county of Warren, and Isabella, his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony.*

Passed, February 28, 1844.

AN ACT to confirm the manumission of certain slaves.

Preamble.

WHEREAS, by the laws of this state, it is required, that the manumission of slaves shall be by writing, under hand and seal of the owner, executed in the presence of at least two witnesses ;—and whereas, in many instances of such manumission heretofore, the laws in other respects have been complied with ; but the writing under hand and seal, as aforesaid, executed in the presence of one witness only, therefore—

Certain deeds made, valid. Act when to take effect.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all deeds or writings under the hand and seal of the owner or owners of any slave or slaves, heretofore made and executed in the presence of one witness only, shall be of the same force and effect, and as valid and effectual in law, to all intents and purposes, as if executed in the presence of two witnesses in the manner prescribed by law ; Provided, that nothing in this act contained shall extend to, or affect any case in which a decision has been made by any court having jurisdiction of the question.*

Sec. 2. *And be it enacted*, That this act shall go into effect immediately after the passage thereof. Act when to take effect.

Passed February 28, 1844.

AN ACT to establish a new township in the county of Gloucester, to be called the township of Delaware.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the township of Waterford, in the county of Gloucester, contained within the following bounds, that is to say: beginning in the Pennsylvania line, in the river Delaware, opposite the mouth of Cooper's creek, and thence running eastwardly to the mouth of said creek; thence up the same, the several courses thereof, to a bridge over said creek, in the Clement's bridge road, where the townships of Union and Gloucester corner; thence up the middle of said road, to the line between the counties of Burlington and Gloucester; near Marmaduke B. Hopkin's mill; thence along the line between the said counties of Burlington and Gloucester, to the line between the States of New Jersey and Pennsylvania, in the river Delaware; thence down said line to the place of beginning; shall be, and hereby is set off from the township of Waterford, in the county of Gloucester, to be called and known by the name of the "Township of Delaware;" *Provided*, that this act shall not take effect and be in force, until from and after the twelfth day of March next. Boundaries of township of Delaware.

Proviso.

Sec. 2. *And be it enacted*, That the inhabitants of the township of Delaware, are constituted a body politic and corporate, in law, and shall be styled and known by the name of the inhabitants of the "Township of Delaware," in the county of Gloucester, and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Gloucester, are, or may be entitled or subjected to by existing laws of this state. Inhabitants of township incorporated

First town
meeting in
Delaware.

Sec. 3. *And be it enacted*, That the inhabitants of the township of Delaware shall hold their first town meeting at the school house at Ellisburgh, in the said township of Delaware, on the second Wednesday in March next.

Town meet-
ing in Water-
ford.

Sec. 4. *And be it enacted*, That the inhabitants of the township of Waterford, shall hold their next town meeting at the Inn of Thomas B. Wright, at Longacomeing, in the said township of Waterford, on the second Wednesday of March next.

Committees
to apportion
property,
debts, &c.

Sec. 5. *And be it enacted*, That the town committees of the townships of Delaware and Waterford, shall meet on the Monday next after the annual town meeting in the said township of Delaware and Waterford, at the Inn of Joseph Ellis, at Ellisburgh, at 10 o'clock in the forenoon, and then, and there, proceed by writing, signed by a majority of those present, to allot and divide between the said townships, all properties and monies on hand or due, in proportion to the taxable property and rateables, as taxed by the assessor within their respective limits, at the last assessment, and the inhabitants of the township of Delaware shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Passed February 28, 1844.

AN ACT to set off a new township in the counties of Monmouth and Middlesex, to be called the township of Millstone.

Boundaries
of the town-
ship of Mill-
stone.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That all that part of the township of Upper Freehold and Freehold in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, lying within the boundaries and descriptions following, to wit:—Beginning in the middle of the Mount Holly road, near

Asher Smith's tavern, and where the road to Preston's factory strikes the same, in the township of Freehold; thence running along the middle of the road leading from the said Smith's tavern, to Hannah Clayton's Inn, to where the public roads cross near the said inn; thence following the middle of the public road northerly to a point opposite the dwelling house of William Osborn; thence north twenty-nine degrees west, to the county line between Monmouth and Middlesex; thence westerly in a direct line through the township of Monroe, in the county of Middlesex, to the bridge over the Millstone brook, on the public road, near Daniel D. Reed's dwelling house; thence down the middle of the said Millstone brook, until it reaches the county line between Mercer and Middlesex, at or near the head of Peter Wikoff's mill pond; thence southerly, following the said county line, to the Monmouth county line; thence southwesterly following the said Monmouth county line to the bridge over the Assanpink brook on the York road; thence up the middle of the said brook easterly, till it strikes the bridge on the land of Joseph I. Ely, son of Isaac Ely, dec'd, in the middle of the new road leading from Hightstown to Britton's tavern, sometimes called the stone tavern; thence southerly in a direct line to a point in the public road one rod west of said Britton's tavern; thence running as the needle now points, south six degrees and thirty minutes east, over Sugar-loaf hill, to the Ivanhoe, or north branch of Lahaway creek; thence up the middle of said Ivanhoe to its head, at a spring near the late residence of Elisha Karr, deceased; thence a due east course to the Mount Holly road; thence northeasterly along the middle of the said Mount Holly road, to the place of beginning, shall be, and hereby is set off from the said townships of Upper Freehold and Freehold, in the county of Monmouth, and Monroe in the county of Middlesex, and made a separate township to be called and known by the name of "The township of Millstone," and that all that part of the said township of Monroe, in the county of Middlesex, which lies within the above mentioned boundaries, shall be, and the same is hereby attached to and made a part of the county of Monmouth, and shall be subject to all the laws which the county of Monmouth now is or may be subject to, and the said line shall hereafter be the boundary line between the said county of Monmouth and the county of Middlesex.

Sec. 2. And be it enacted, That the inhabitants of the said township of Millstone shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The inhabitants of the township of Millstone, in the county of Monmouth," and shall be entitled to all the rights, powers, authority, privileges and advantages,

Inhabitants
of township
incorporated.

and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Monmouth are or may be entitled or subject to by the laws of this state.

First town meeting.

Sec. 3. *And be it enacted*, That the inhabitants of the said townships of Millstone hereby created, shall hold their first annual town-meeting at the inn of Ezekiel Davison, in the village of Perrineville, in the said township of Millstone, on the day appointed by law for holding the annual town-meetings in the other townships in the county of Monmouth.

Farm and other property, how to be held.

Sec. 4. *And be it enacted*, That the poor-house farm and all other property now belonging to the said township of Upper Freehold, shall hereafter belong to the townships of Millstone and Upper Freehold, in the proportion of the tax assessed to the inhabitants of the said township of Upper Freehold, now residing within the bounds of each of the said townships, on the last duplicate, and shall be owned and held by them in common, and that the poor house farm and all other property now belonging to the said township of Freehold, shall hereafter belong to the townships of Millstone and Freehold, in the proportion of the tax assessed to the inhabitants of the said township of Freehold, now residing within the bounds of each of the said last named townships, on the last duplicate, and shall be owned and held by them in common.

Settlement of paupers.

Sec. 5. *And be it enacted*, That the town committees of the said townships of Freehold, Upper Freehold, and Millstone, shall meet on the second Tuesday of April next, at the inn of Ezekiel Davison, in the township of Millstone, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships all their paupers, which are hereby chargeable to that township, within the bounds of which they shall have acquired their settlements respectively, and to allot and divide between the said townships all property and monies on hand or due, in proportion to the taxable property and rateables as valued and assessed by assessors, within the respective limits of the said townships, at the last assessments; and the inhabitants of the said township of Millstone shall be liable to pay their just proportion of the debts, if any there be, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committees shall refuse or neglect to meet as aforesaid, those assembled may proceed to make the said allotment and division, and the decision of a majority of those present, shall be final and con-

elusive: *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled as aforesaid may think proper.

Sec. 6. *And be it enacted*, That all the paupers now chargeable to the township of Monroe, in the county of Middlesex, whose settlements were acquired within the bounds of the said township of Millstone, shall be chargeable to, and supported by the said township of Millstone.

Paupers of
Monroe.

Sec. 7. *And be it enacted*, That this act shall take effect and go into operation immediately after the passage thereof.

Act, when to
take effect.

Passed February 28, 1844.

A supplement to the act entitled "An act to authorize the owners and possessors of a certain tract of woodland therein named, to prevent horses, cattle and sheep from running at large thereon," passed February twenty-fifth, eighteen hundred and one, and "the supplement thereto," passed January thirty-first, eighteen hundred and sixteen. !

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the southerly line of lands of John and Jacob M. Demott, of the township of Hackensack, in the county of Bergen, shall from and after the passage of this act, constitute the southern boundary line of the tract of woodland mentioned in the first section of the act to which this is a supplement.

Southern
boundary of
woodland.

Sec. 2. *And be it enacted*, That if any horses, mules, cattle or sheep, shall be found running at large on any part of the tract enclosed, as aforesaid, it shall and may be lawful for any owner or possessor of any part of the said tract, to take and drive the same to any public pound in the townships of Hackensack or Harrington, and shall, as soon as may be, make an affidavit, to be taken before any justice of the peace in said county of Bergen, stating that the same were taken running at large in the said tract; and such affidavit shall state a description of the horses, mules, cattle or sheep so taken, which affidavit shall be delivered to the pound keeper, when the horses,

mules, cattle or sheep are impounded; and the person impounding the said horses, mules or cattle, shall be entitled to receive for every head so taken and impounded, the sum of one dollar, and for every head of sheep, the sum of twelve and a half cents, to be collected by the pound keeper, of the owner, or from the sale of the said horses, mules, cattle or sheep, and the same shall be the measure of damages to be paid on such occasion; and the pound keeper is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in the case of distress for damage feasant by the twelfth section of the act entitled "An Act regulating fences," passed the twenty-third day of January, seventeen hundred and ninety-nine; and he shall be entitled to the same fees and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act; and all trespasses and damages recovered by virtue of this act, shall be applied towards making and repairing the fences for said enclosure.

Part of former act, repealed. Sec. 3. *And be it enacted*, That so much of the first section of the act to which this is a supplement as is inconsistent with the provisions of this act, together with the third section of said act, be, and the same are hereby repealed.

Act when to take effect. Sec. 4. *And be it enacted*, That this act shall go into effect on and after the first day of April next.

Passed February 27, 1844.

AN ACT to repeal so much of the act entitled, "An act to authorize the inhabitants of the township of South Brunswick, in the county of Middlesex, and the inhabitants of the township of Upper Freehold in the county of Monmouth, to vote by ballot at their town meetings passed March 5th, 1841." as relates to or is binding upon the inhabitants of Upper Freehold, in the county of Monmouth.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That so much of the act entitled, "An act to authorize the inhabitants of the township of South

Brunswick, in the county of Middlesex, and the inhabitants of the township of Upper Freehold, in the county of Monmouth, to vote by ballot at their town meeting," as relates to, or is binding upon the inhabitants of the township of Upper Freehold, in the county of Monmouth, be, and the same is hereby repealed. Part of former act repealed.

Sec. 2. *And be it enacted*, That this act shall take effect immediately on the passage thereof. Act when to take effect

Passed February 29, 1844.

A SUPPLEMENT to the act entitled "An act incorporating Jersey City," passed 22d February, 1838.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That so much of the fourth section of the act to which this is a supplement, as declares that "no person shall be elected, or serve as Mayor, or Aldermen, unless he shall be a *bona fide* freeholder within said city," shall be, and the same is hereby repealed, and that nothing in the said act contained shall be construed to prevent any free white male citizen of the United States, who shall have resided in said city for one whole year next preceding any election, at which such person may be a candidate, from being elected to, and holding either of the offices above mentioned, upon taking such oath, or giving such security, as is now required by existing laws. Part of former act repealed.

Sec. 2. *And be it enacted*, That this act be taken as a public act, and shall take effect on the second Monday of April next. Act when to take effect.

Passed March 1, 1844.

**AN ACT to incorporate "The Sussex Baptist Association," in
the State of New Jersey.**

**Names of
corporators.**

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Rev. William H. Spencer, Christian Brinkerhoff, John Teasdale, Samuel L. Barret, Thomas Teasdale, Joseph E. Edsall, David Bennet, Sandford Leach, Thomas Cole, John M. Ball, John S. Dill, and Chauncey Adams, and their associates, forming the said Sussex Baptist Association, and their successors duly appointed, shall be, and they are hereby made and constituted a corporation, and body politic in law and in fact, by the name and title of "The Sussex Baptist Association."

**Style of in-
corporation.**

**Officers of
corporation.**

Sec. 2. *And be it enacted,* That the officers of the said corporation shall consist of a president, treasurer, secretary, and such other officers, as the said corporation may deem necessary, who shall be elected annually or otherwise as the rules and by-laws of the corporation may direct.

**General
powers.**

Sec. 3. *And be it enacted,* That the said corporation and their successors, by the name and title aforesaid, shall be able and capable in law, to purchase, have, hold, take, use, and enjoy in fee simple, or any life, or other estate, or estates, any lands, tenements, rents, liberties, privileges, franchises or other hereditaments, and also, any goods, chattles, moneys, legacies, donations or other estate or property, whatsoever given, or granted to the said association in any manner or way whatsoever;—*Provided, always,* that the income thereof shall not exceed the sum of five thousand dollars per annum; and further, that all the estate, real, personal and mixed, now belonging to, or held by the said association, shall be vested in, and held, and managed by the said corporation and their successors, and that the said corporation, and their successors shall and may give, grant, sell, and convey, demise, assign, release, or otherwise dispose of all, or any of their messuages, houses, lands, tenements, rents, possessions, and other hereditaments, and real estates, and all goods, chattles, and personal estate, and other things aforesaid, as to the said corporation shall seem meet; and that the said corporation shall be able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts, and all, and every other matter and thing therein, to do in as full and effectual manner as any other person, or persons, body politic

or corporate, in this State, in the like cases, can or may do; and that they shall have full power to demand and receive, and if need be, to sue for, and recover all debts, rents, and legacies, which are now due, or may become due to the said association, and to demand, have, and take all deeds, bonds and mortgages, notes, books and other writings, or things, which belong to said association, and shall, and may have, and use a common seal, with such device, or devices, as they shall think proper, and the same to break, renew, or alter at pleasure.

Duties of
Treasurer.

Sec. 4: *And be it enacted,* That it shall be lawful for the said corporation to appoint a treasurer, during their pleasure, who shall hold and manage the said funds, subject to the control and instruction of the said corporation, and who shall render an account of the same, at every annual meeting of the said corporation, and oftener if required, and give security for the faithful discharge of his duties if required to do so, and pay out money under such regulation and orders as the said corporation may from time to time adopt;—*Provided nevertheless, and it is hereby enacted,* that nothing in this act contained, shall prevent the legislature, from altering, amending, or repealing the same, whenever, in their opinion the public good requires.

Act may be
altered or re-
pealed.

Passed March 4, 1844.

AN ACT for the relief of Benjamin Price of the county of Hunterdon.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this State, for the time being, shall be, and he is hereby authorized and required to pay Benjamin Price, of the county of Hunterdon, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of sixty dollars per annum, to be paid to the said Benjamin Price, in half yearly payments, from the passing of this act, during the lifetime of the said Benjamin Price; the first payment to be made on the passage of this act, and the receipt of the said Benjamin

\$60 per an-
num to be
paid to Ben-
jamin Price.

Price, or his order, shall be a sufficient voucher to the Treasurer for such sum or sums of money, as he may pay by virtue of this act, in the settlement of his accounts.

Passed March 4, 1844.

AN ACT to provide for the establishment of public schools in the township of Camden, in the county of Gloucester.

Inhabitants
authorized to
raise money.

Sec 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the taxable inhabitants of the township of Camden, in the county of Gloucester, be and they hereby are authorized to raise at their annual town-meetings any sum of money not exceeding one thousand dollars for the support of common schools in the said township, which money, ordered to be raised as aforesaid, shall be assessed, levied and collected as other state, county and township taxes are assessed, levied and collected.

Powers and
duties of
trustees.

Sec. 2. *And be it enacted*, That the said inhabitants of the said township of Camden, shall at their annual town meetings elect nine persons, inhabitants of said township, as trustees of common schools for the said township, who shall hold and exercise their office for one year from and after their election: and the said trustees shall have the entire charge and control of the public schools within the said township, shall have full power to receive from the township collector, and other township officer or officers, all monies collected for common school purposes, or belonging to the school fund or securities therefor, and shall appoint one of their number as treasurer, who shall give satisfactory security to his co-trustees for the faithful performance of all his duties as such treasurer, and who shall hold and exercise the said office of treasurer, subject to such rules and regulations as shall be made by said trustees; and the said trustees shall exhibit to the said inhabitants of said township at their annual town-meetings, a full and correct statement of the sums of money by them received and from whom, and how the same has been expended, the number of schools under their charge, and the number of scholars taught therein, and of all their proceedings as trustees as aforesaid, and shall perform all other acts and duties appertaining to the trustees for common schools in this state.

Sec. 3. *And be it enacted*, That in the event of the sum of money appropriated by the state to the said township for the support of the public schools therein, and the sum of money raised therefor by the inhabitants of the said township as aforesaid, being together insufficient for the support of the said schools, then the trustees elected as aforesaid may assess upon each scholar such sum of money, not exceeding one dollar per quarter, as may be found necessary; *provided*, that the said trustees may remit the whole, or any part of said assessment upon such scholar, or scholars as circumstances may in their opinion require.

Assessments to be made in case of deficiency.

Sec. 4. *And be it enacted*, That all acts and parts of acts coming within the purview of this act and being repugnant thereto, be, and the same are hereby repealed, so far as they relate to, or concern the said township of Camden.

Parts of former acts repealed.

Passed March 4, 1814.

AN ACT to confirm the last will and testament of James Wilson, deceased.

WHEREAS, James Wilson, late of the county of Monmouth, deceased, made his last will and testament, bearing date the sixth day of February, 1808, and which was proved and recorded in the Surrogate's office of the county of Monmouth, on the third day of October, 1811;—and whereas, doubts have lately been raised as to the validity of the said will, on account of the informality of the proof, therefore—

Whereas.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the last will and testament of James Wilson, late of the county of Monmouth, deceased, bearing date the sixth day of February, in the year of our Lord one thousand eight hundred and eight, be, and the same is hereby confirmed, and made valid and effectual in law; and that the said will shall be received in evidence in all courts, and have the same force and effect as though the same had been duly executed and proved according to the strict letter of the law.

Will of James Wilson confirmed.

Passed March 4, 1844.

AN ACT to incorporate "The Hillsborough Mutual Fire Assurance Association," of the county of Somerset.

Section 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same.* That William Blackwell, Abraham A. Beekman, John M. Wyckoff, Rynear S. Merrill, Dennis Van-lieu, Jr., Lawrence V. D. Davis, Henry Brokaw, John H. Wilson, and others, their associates, successors, and assigns shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate in fact and in name, by the name of "The Hillsborough Mutual Fire Assurance Association," and by that name they and their successors shall, and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever, and that they and their successors may have a common seal, and may alter and change the same at pleasure; and, also, that they and their successors, by the name of "The Hillsborough Mutual Fire Assurance Association," shall be in law capable of purchasing, holding, and conveying any estate real or personal, for the use of the said corporation; *Provided*, that the said estate which it shall be lawful for the said corporation to hold, be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken in security for, or in payment of debts, nor shall the yearly income of such real estate, exceed one thousand dollars.

Sec. 2. *And be it enacted*, That all persons who shall insure in, or with said association, shall be deemed and taken for members of the said corporation; and that the property and concerns of the said corporation, shall be conducted and managed by seven directors, all of whom shall be citizens of this State, and shall not hold a like office or agency in any other insurance company, to be chosen by ballot, by, and from among the members, to hold their office for one year and until others are chosen, and that an election for directors shall be held on the first Monday of February in every year, at the office of the association, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers, printed in the county of Somerset, at least two weeks previous to the time of holding said election; and if any of the said directors shall die or refuse to serve or neglect to act in their

said office, for the space of three months successively, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it should happen that an election of directors should not be held on the day when pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved; but it shall and may be lawful on any other day, to hold an election for directors; *Provided*, that the first election for directors shall be held on the fourth Monday next, after the passage of this act, and the directors then elected shall continue in office until the first Monday in February, thereafter of which election, last mentioned previous public notice shall be given in one or more newspapers, printed in the county of Somerset, at least two weeks.

Vacancies;
how supplied.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective dwelling houses, stores, shops, and other buildings, together with household furniture, merchandise, and all other personal property against loss or damage by fire.

What property may be insured.

Sec. 4. *And be it enacted*, That at the annual meeting of the said corporation or at any general meeting of the same (which general meeting shall and may be called by the directors, if required to do so by twenty members, upon such notice as is hereinbefore directed for the annual meeting) it shall be lawful for the members present or a majority of them to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the property, estate and effects of the said corporation, for the regulation of the mode of effecting insurance in the said corporation, and of valuation of property insured or to be insured thereby, and to fix rates of insurance and fees of officers, and for all such other matters as appertain to the business of the said corporation, and shall have power to appoint a Secretary, surveyor or surveyors, appraiser or appraisors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, as to them shall seem proper, to which offices the said directors shall be eligible, *Provided*, that a majority of the members present at such annual or general meetings may by resolution vest any or all of the powers given in this section in the board of directors, *And provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this State.

Corporation may make By-laws &c.

Provide.

Sec. 5. *And be it enacted*, That at the first meeting of the directors, held after their election in each year, the directors shall choose from among themselves one person for President,

Directors to choose officers.

who shall continue in office until the next annual meeting, and until another is appointed in his place: they shall also elect a treasurer, and require him to give bond to the association for the faithful performance of his duty, for such sum as to them shall appear sufficient and satisfactory.

Members
may be as-
sessed in case
of deficiency.

Sec. 6. *And be it enacted,* That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places as shall be from time to time, ordered and prescribed by the by-laws, rules and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, or other liabilities to a greater amount than they have funds to discharge, in such cases the directors for the time being shall with all convenient expedition, proceed to assess such deficiency in a ratable proportion on the members of the association or their representatives according to the amount of each member's insurance; which rates or assessment shall be approved of by a majority of the whole number of directors, and notice in writing shall be given to each member or his representatives of the assessment and amount by him, her, or them, to be paid, and each and every member or his representatives so notified shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit double said rates and all their right and claims to any policy that they may have obtained, and be no longer members of the association, but shall be liable to a recovery of the amount of such rate or assessment by action of debt with costs of suit before any court of competent jurisdiction.

For what
purpose mo-
ney may be
drawn.

Sec. 7. *And be it enacted,* That no money shall be drawn from the Treasury of the association except for the purpose of paying damages in case of any loss by fire, and incidental expenses.

Assignment
of policies,
how made.

Sec. 8. *And be it enacted,* That if any person insured by the said corporation shall convey or assign the property insured; it shall be lawful for such person to assign to the purchaser the policy of insurance, but the corporation shall not be bound by such policy, after such assignment, until the said assignment shall have been recorded in the books of the corporation and certified on such policy by the secretary.

Corporation
may be sued
if payment
be withheld.

Sec. 9. *And be it enacted,* That any person or persons insured by said corporation may maintain an action at law against the same for losses and damages due to him, her or them, from said corporation, if payment is withheld more than ninety days after the amount of such losses have been

ascertained; and the said corporation notified thereof; and no member of the corporation, not being in his own individual capacity a party to such suit shall be incompetent as a witness; *Provided*, the directors do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them.

Sec. 10. *And be it enacted*, That the chartered privileges hereby granted do not include banking privileges, and if the privileges hereby granted shall at any time prove injurious to the public welfare, it shall be lawful for the legislature to amend, modify or repeal the same; *Provided*, that no contract made by said corporation before such repeal shall be effected thereby, and that the said corporation shall have a reasonable time to bring their accounts to a final settlement.

Sec. 11. *And be it enacted*, That this act shall take effect immediately after its passage.

Passed March 4, 1844.

AN ACT to authorize the sale of the real estate late of Ralph Lanning, deceased.

WHEREAS, Ralph Lanning late of the county of Mercer, on the fourth day of May, A. D. eighteen hundred and forty-three, departed this life intestate, being seized in fee simple, of and in a farm of about forty-six acres of land, with a dwelling house and out buildings, situate in the township of Ewing, in the county aforesaid, leaving Isaac W. Lanning, Phebe Torbert, wife of Charles Torbert, Theodore Lanning, Amos Lanning, Elizabeth Vanartsdalen, wife of Simon Vanartsdalen, Rebecca W. Lanning, and David W. Lanning, all of whom are above the age of twenty-one years, and Girardus W. Lanning, William W. Lanning, and Ralph A. Lanning, minors, his children and heirs at law, without a widow him surviving:—and whereas, it is represented that the said real estate cannot be divided among the said children without great prejudice to the same, and that their interest in said real estate would be advanced by a sale and division of the proceeds thereof, among the said heirs, according to law, and said heirs having concurred in a petition for that purpose: therefore,

Trustee au-
thorized to
sell real
estate.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Isaac W. Lanning, of the city of Trenton, be, and he is hereby appointed a trustee, with full power and authority to sell and convey all the lands and real estate whereof Ralph Lanning, deceased, late of the township of Ewing, in the county of Mercer, died seized, for the highest sum or sums of money which can be obtained therefor, and when sold to make, execute and deliver in the name of the said Isaac W. Lanning, trustee as aforesaid, good, legal, and sufficient deed or deeds therefor, to the purchaser or purchasers thereof, which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate, his, her, or their heirs and assigns forever all the estate, right, title and interest of the said children and heirs at law of the said Ralph Lanning, deceased, therein at the time of the said sale.*

Trustees to
give bond.

Sec. 2. *And be it enacted, That the said Isaac W. Lanning, shall before entering upon the trust created by this act, enter into bond to the governor of this state, with such surety and in such sum as shall be approved by the judges of the orphans' court of the county of Mercer, conditioned for the faithful performance of the said trust, which bond shall be deposited in the office of the secretary of this state.*

Trustees to
make state-
ment to Or-
phan's Court.

Sec. 3. *And be it enacted, That the said Isaac W. Lanning, within one year after the sale of the said real estate, shall be completed, shall exhibit to the orphans' court of the said county of Mercer, under oath or affirmation, a full, fair and just account of the sale or sales by him made by virtue of this act, and of the costs and expenses thereof, to be approved by the court and filed in the surrogate's office of the said county: and the said Isaac W. Lanning after deducting from the proceeds of said sale or sales, all such costs and expenses, and such reasonable commissions as shall be allowed by the said court, shall invest the parts or shares of the said minor children respectively under the direction of the said court, for the benefit of the said minors, and distribute the residue thereof among the others of the said children according to law.*

Sale, not to
affect interest
of persons
other than
the heirs.

Sec. 4. *And be it enacted, That no sale or conveyance made by virtue of this act shall impair or in any wise affect the right or interest of any person or persons whatever other than the said children and heirs at law.*

Passed March 4, 1844.

A SUPPLEMENT to an act entitled "An act to incorporate the Boudinot Manufacturing Company."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the capital stock of the said company shall not exceed three hundred thousand dollars, which shall be divided into shares of one hundred and fifty dollars each; and that it shall be lawful for the directors of the said company to call and demand from the stockholders respectively, the said additional sum of fifty dollars upon each share of capital stock already subscribed, or to be subscribed, to be payable at such times and in such proportions, not exceeding ten dollars on each share at any one time, as they shall deem proper, under the pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payment shall not be made in thirty days after a notice shall have been published for the space of twenty days, in one or more public newspapers published in the town of Paterson; and also in one or more newspapers published in the city of New York.

Amount of
capital stock.

Instalments
how paid.

Sec. 2. *And be it enacted,* That ten days preceding the first Monday in August, in each and every year, the directors of said company shall submit to the stockholders a written statement, under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against said company, and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent, and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in; and in case of any violation of the provisions of this section, the president, directors, and stockholders shall be personally liable in their own estate, jointly and severally, for all debts of the company previously contracted, and then unpaid.

Directors to
make annual
statement.

Sec. 3. *And be it enacted,* That no part of the capital stock or any of the funds of the said corporation shall at any time during the continuance of the charter to which this is a supplement, be used or employed directly or indirectly in banking operations, or for any purpose whatever, inconsistent with the provisions of the act to which this is a supplement.

Capital stock
not to be em-
ployed in
banking.

Passed March 4, 1844.

AN ACT to authorize Nelson Jay, trustee, to sell certain real estate.

Preamble. WHEREAS Aaron Hart, on the twenty seventh day of January, A. D. 1832, by deed, conveyed certain lands in the township of Hopewell, in the then county of Hunterdon, to Nelson Jay, in trust for Hannah Jay and her heirs;—and whereas, all the children of the said Hannah Jay have arrived at full age, and, together with the said Hannah Jay, have petitioned for the sale of said real estate—therefore,

N. Jay, authorized to sell real estate. **Sec. 1.** *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Nelson Jay be, and he hereby is authorized and empowered to make sale of all the real estate described and conveyed in and by the aforesaid deed, for the best price he can obtain therefor, and make to the purchaser or purchasers a good and sufficient deed or deeds; which deed or deeds shall vest in the purchaser or purchasers as good and valid a title as the said Aaron Hart had in the same at and before the execution of the deed of trust aforesaid to the said Nelson Jay.

To give bond. **Sec. 2.** *And be it enacted,* That before entering upon the duties prescribed by this act, the said Nelson Jay shall give bond to the ordinary, in such sum and with such sureties as the orphans' court of the county of Mercer shall direct and approve, that he will faithfully discharge the duties required of him by this act.

Proceeds of sale how disposed of. **Sec. 3.** *And be it enacted,* That the said Nelson Jay shall divide and pay over the proceeds of said sale—one-third to Hannah Jay, and the remainder thereof to and among the children of the said Hannah, share and share alike; and that their several receipts therefor shall be his vouchers for the payment of the same; and that he shall make report of his proceedings herein to the term of the orphans' court of the county of Mercer, next after said sale, for their approval and allowance.

Passed March 5, 1844.

AN ACT to incorporate "The Mercer County Mutual Fire Insurance Company."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Henry P. Welling, Henry Higgins, Stephen B. Smith, D. B. Skillman, John Conrad, Esq., Benjamin Muirheid, Ephraim Woolsey, Benjamin Vancleve, Jeremiah Vandike, Joshua Bunn, Isaac Welling, D. N. Wiley, Aaron W. Stout, and others, their associates, successors and assigns, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Mercer County Mutual Fire Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended in all courts, either in law or equity; and by that name may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make, and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution, *Provided*, that they be not contrary to the constitution or laws of this State or of the United States.

Names of
Corporators.

Style of In
corporation.

General
powers.

Provide.

Sec. 2. *And be it enacted,* That all persons who shall insure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be ensured in said corporation, as hereinafter provided, shall thereby become members thereof, during the period they shall remain ensured by the said corporation, and no longer.

Persons in
suring to
become
members.

Sec. 3. *And be it enacted,* That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, who shall continue in office for one year, and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take

an oath of office, and choose out of their body a president; and vacancies may be filled for the remainder of the year, by such person or persons, as a majority of the board of directors, for the time being, may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and that the said Henry P. Welling, Henry Higgins, Stephen B. Smith, D. B. Skillman, John Conrad, Esq., Benjamin Muirheid, Ephraim Woolsey, Benjamin Vancleve, Jeremiah Vandike, Joshua Bunn, Isaac Welling, D. N. Wiley, and Aaron W. Stout, shall be the first directors of said corporation, which board of directors shall hereafter be elected in each year, at such time and place in Pennington, in the county of Mercer, as the said corporation in their by-laws shall appoint, of which election public notice shall be given, in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election, which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors, and shall be made by ballot, and by plurality of the votes of the members, or their proxies then present, allowing one vote for every five hundred dollars ensured in said company;—Provided always, that each member shall have at least one vote, and that no member shall have more than five votes.

Vacancies, how supplied

First directors.

Time & mode of annual election of directors.

Proviso.

Directors to appoint officers.

Sec. 4. *And be it enacted.* That the board of directors may appoint a secretary, and such other officers, and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance.

Policies and contracts how made.

Sec. 5. *And be it enacted.* That all policies and contracts, founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire, or other casualty, agreeable to, and on such terms and conditions, as shall be contained in the policy.

Holders of policy to deposit his promissory note.

Sec. 6. *And be it enacted.* That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposite his promissory note, with good and sufficient security for such a sum of money as shall be determined by the directors to be the premium for said insurance, and that a part, not exceeding twenty per centum, of said note shall be immediately paid, and the remainder of said deposite shall be payable, in part or

the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses occurring during said term, shall have been provided for according to the provisions of this act, shall be relinquished and given up to the maker thereof, and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Money not
wanted, may
be loaned.

Sec. 7. *And be it enacted*, That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium, note or notes as shall remain unpaid; and by such ratification and confirmation; such grantees or alienees, shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

Transfer of
policies.

Sec. 8. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any cause relating to the business of said corporation; also suits at law, or in equity, may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage, and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause on account of his being a member of said corporation.

Corporation
may be sued,
if payment be
withheld.

Sec. 9. *And be it enacted*, That the directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgement against said company for loss or damage,

Proportion of
loss or dam-
age to be paid
by each
member.

settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

Members
may be sued
in case of
neglect or re-
fusal to pay.

Sec. 10. *And be it enacted*, That whenever and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note and assessment, among the sufferers by such fire who have been insured by said company, in proportion to their losses and the amounts by them respectively insured; but no such assessment of a greater amount than one dollar on every hundred dollars, by the members respectively insured, shall at any time be made for the loss or damage occasioned by any one fire; and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

Members
may be as-
sessed in case
of deficiency.

Sec. 11. *And be it enacted*, That no transfer of any policy of assurance of the said corporation shall be valid until entered into the book of the company, and certified on such policy by the secretary.

Transfers,
how made.

Sec. 12. *And be it enacted*, That it shall be duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of assurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the

Duty of Sec-
retary.

payment of money, and such other duties as the company or board, from time to time, by their by-laws, may direct.

Sec. 13. *And be it enacted*, That all the operations and business of the corporation shall be carried on and conducted at such place in Pennington, as shall be designated by a majority of the directors present at any regular meeting. Business of corporation, where conducted.

Sec. 14. *And be it enacted*, That at every meeting of the said company, the directors for the time being shall make and exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of the said company. Statements to be exhibited.

Sec. 15. *And be it enacted*, That the said company shall not, by virtue of any of the provisions of this act, exercise banking privileges directly or indirectly. Restrictions.

Sec. 16. *And be it enacted*, That this act shall continue in force thirty years, and no longer, and that the same may be at any time hereafter, altered, amended, or repealed by the Legislature. Limitation.

Passed March 5, 1844.

AN ACT to incorporate parts of the townships Pequannock, and Hanover, in the county of Morris, into a separate township to be called the township of Rockaway.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all that part of the townships of Pequannock and Hanover in the county of Morris, lying within the following boundaries, to wit: Beginning at the bridge over the Pequannock river, at Charlottenburgh Iron Works, and thence running a straight line to the north end of county bridge, first above Elijah D. Scott's Forge, at Powerville, and to include all that part of Hanover that may lay to the north and west of said line; thence a straight line to the centre of the natural pond in Parsippany woods, called Green's pond; thence a straight line to the corners of the townships of Morris, Hanover and Randolph, on the top of Trowbridge moun-

Boundaries of township.

tain; thence on the lines of the townships of Hanover and Randolph to the mouth of Dell's brook where it empties into Rockaway river; thence on the lines of Randolph and Pequannock to the mouth of Stephen's brook, where it empties into Rockaway river at the corner of the townships of Jefferson and Pequannock to the place of beginning, shall be and the same is hereby set off from the townships of Pequannock and Hanover, and the same is hereby established a separate township to be called by the name of the township of Rockaway.

Inhabitants
incorporated.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Rockaway shall be and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The inhabitants of the township of Rockaway, in the county of Morris," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, governments and liabilities as the inhabitants of the other townships in the said county of Morris are or may be entitled or subject to by the existing laws of this state.

Township
committees
to divide prop-
erty, &c.

Sec. 3. *And be it enacted*, That the township committees of the townships of Pequannock and Rockaway, shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of David Menaugh at Rockaway, innkeeper in the said township of Rockaway, and shall then and there proceed by writing to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, or to become due, in proportion to the taxable property and rateables, as valued and assessed by the assessors within the respective limits of the said townships at the last assessment; and again in like manner the township committees of the townships of Rockaway and Hanover, shall meet on the third Tuesday in April next at the inn now kept by David Menaugh in the township of Pequannock, at one o'clock in the afternoon, and when so met, shall proceed to make division in like manner as in the case of Pequannock; and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper, and the township of Rockaway shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their division or the division of a majority of them, shall be final and conclusive.

Sec. 4. *And be it enacted*, That John Gray, Benjamin Grane, and Freeman Wood, or any two of them be, and they

are hereby appointed commissioners to run, survey, mark, and ascertain the several lines hereinbefore mentioned, which said commissioners shall before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner and in all respects as if they had been appointed commissioners for the purpose aforesaid, by the Inferior Court of Common Pleas, of the county of Morris upon the application of Chosen Freeholders of the said county, except only that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment, and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the Court of Common Pleas, upon the application of the board of Chosen Freeholders.

Commissioners to run and survey lines.

Sec. 5. *And be it enacted*, That the inhabitants of the said township of Rockaway shall hold their first annual town meeting at the house now kept by David Manaugh at the village of Rockaway in the said township of Rockaway, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Morris.

Time and place of first annual town meeting.

Sec. 6. *And be it enacted*, That the fourth section of this act shall go into effect immediately after the passage thereof, and the remaining sections on the second Monday in April next.

Act when to take effect.

Passed March 5, 1844.

AN ACT authorizing the Administrators of Harman Dilts, deceased, to convey certain real estate.

Preamble.

WHEREAS, it is represented that Harman Dilts, late of the township of Lebanon in the county of Hunterdon, deceased, in his lifetime, entered into an agreement in writing, attested by only one witness, with Elisha Hummer, for the sale and conveyance of a certain tract of land situate in the said township of Lebanon, for which he was to pay the said Harman Dilts the sum of three hundred dollars, that in pursuance of said agreement, a part of the said sum has been paid, but that the said Harman Dilts hath since departed this life, intestate, leaving a widow : and letters of administration on the estate of said Harman Dilts, deceased, hath been granted to Jacob Anthony and William Cregar, and whereas the said administrators together with the said widow have prayed the legislature to pass an act authorizing the said administrators, to make and deliver to the said Elisha Hummer, or to their assigns a good and sufficient deed of conveyance for the said tract of land, therefore,

Administrators authorized to make conveyance.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State. and it is hereby enacted by the authority of the same,* That the said Jacob Anthony and William Cregar, administrators of the said Harman Dilts, late of the county of Hunterdon, deceased, be, and they are hereby authorized, in fulfilment of the aforesaid agreement, to make, execute, and deliver to the said Elisha Hummer, a good and sufficient deed of conveyance for said tract of land, which said deed, duly executed, shall convey to and vest in the grantee therein named, all the estate, right, title and interest of which the said Harman Dilts, died seized, in and to the same, as fully and effectually as if the said deed had been duly executed by the said Harman Dilts in his lifetime.

Passed March 5, 1844.

AN ACT to authorize the continuance of a dam across the Rahway river, either for milling or manufacturing purposes.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Theodore Grunenthal, his heirs and assigns, to erect, and at all times to support and maintain a dam across the south branch of Rahway river, at the place where his dam now crosses the said stream, in the township of Woodbridge, county of Middlesex, and state of New Jersey, and at all times to occupy, use, and enjoy the water and water privileges of said stream, at the place aforesaid, either for milling or for manufacturing purposes; *provided,* that nothing herein contained shall be construed to extend or enlarge the present rights of the said Theodore Grunenthal, of flowing or otherwise injuring the lands adjacent to said stream.

T. Grunenthal authorized to build dam.

Passed March 5, 1844..

AN ACT to divorce Eliza Durling, from her husband Daniel Durling.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Eliza Durling, of the county of Morris, be, and she is hereby divorced from her husband, Daniel Durling, and that the marriage contract heretofore existing between them be, and the same is hereby fully and absolutely dissolved: *Provided, nevertheless,* that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Eliza and Daniel Durling, divorced.

Sec. 2. *And be it enacted,* That this act shall go into effect immediately after the passage thereof.

Passed March 6, 1844.

AN ACT to authorize Ann Perce and Edmund Brewer, guardians of Elizabeth Perce, Sarah Perce and Diademia Perce, minor children of Isaac Perce, deceased, to sell and convey certain lot of Meadow Ground, on Woodbury Creek, in the county of Gloucester.

Preamble.

WHEREAS, it has been represented to the Legislature that Isaac Perce in his lifetime, by virtue of a deed of conveyance from under the hands and seals of Amos Campbell and Ann his wife, dated the 17th day of March, A. D. 1831, and recorded in the Clerk's office of said county, became lawfully seized of a certain lot of meadow ground, situate in the township of Deptford, in the county aforesaid, on Woodbury Creek, containing three acres and twenty-nine hundredths, more or less; that shortly after the date of the said deed, the dam which was then at the mouth of said creek, was removed by virtue of an act of the Legislature, and that the said lot of meadow has since been overflowed by the tide; that in order to reclaim the said lot of meadow from the overflow of the tide, it will be necessary to erect an embankment around three sides thereof, at an expense nearly equal to the value of said lot; that it has been of no advantage to the owners since the year 1831, and must remain so for a number of years to come, unless an act of the Legislature can be obtained authorizing a sale thereof; that a fair price can now be had for the said lot, and it would be much to the interest of the said minor children if the same could be sold: and due notice of the said application having been given, and no cause appearing to the contrary, Therefore—

Guardians
authorized to
sell real es-
tate.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Ann Perce and Edmund Brewer, guardians as aforesaid, be, and they are hereby authorized and empowered to sell the above mentioned lot of meadow ground at public vendue, for the best price that can be obtained for the same; they, the said guardians, first advertising the same in like manner and for the same time, as is required by law in cases of sales of real estate, made by guardians, by order of the Orphans' Court.

Sec. 2. And be it enacted, That the said guardians shall make report of said sale to the Orphans' Court of the county.

of Gloucester, at the next term thereafter, and if the said Court approve of said sale, they shall confirm the same as valid and effectual in law, and by a rule of said court, direct the said guardians to make and execute a conveyance to the purchaser, therefor, which conveyance shall vest in the said purchaser as good and perfect an estate of inheritance in the said lot of meadow ground, as the said minors were seized of or entitled to at the time of such sale.

Guardians to make report.

Sec. 3. *And be it enacted*, That the said guardians shall keep a fair and just account of the proceeds of said sale, and of the costs and expenses thereof, and shall be subject to the same liabilities as if the said sale had been made by an order of the Orphans' Court of said county.

To keep account of sale

Passed March 6, 1844.



AN ACT to establish the township of Jackson, in the county of Monmouth.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That all that part of the township of Upper Freehold, Freehold and Dover in the county of Monmouth, lying within the boundaries and descriptions following, to wit:—Beginning at Arneytown at the junction of the New Egypt and Hornerstown roads, and running thence along the middle of the Hornerstown road to the Crosswicks Creek; thence down the middle of said creek, to the mouth of the Lahaway; thence along the middle of the Lahaway, following the course of the north branch thereof (commonly called Ivanhoe) to its head; thence eastwardly across the township of Freehold, to the point where the north branch of the Metetecunck river crosses the line between the townships of Howell and Freehold; thence southwardly along the line between Howell and Freehold to the township of Dover; thence in a direct course to the south-west angle of the township of Upper Freehold, where the slab bridge branch crosses the old province line; thence along the said line to the place of beginning, be, and the same is hereby set off from the said townships of Upper Freehold, Freehold and Dover,

Boundaries of township.

and erected into a separate township, to be known by the name of the township of Jackson.

Inhabitants of township. Sec. 2. *And be it enacted,* That the inhabitants of the said township of Jackson shall be, and they are hereby incorporated and constituted a body politic, by the name of the inhabitants of the township of Jackson, in the county of Monmouth; and vested with and entitled to all the powers, privileges, authorities and advantages, and subject to the like regulations and government, as other townships in the said county of Monmouth.

Time and place of first annual town meeting. Sec. 3. *And be it enacted,* That the inhabitants of the said township of Jackson shall hold their first annual town-meeting at the public house now kept by William Francis in the village of Cassville, on the second Tuesday in April next; and afterwards, where the said inhabitants shall determine, in the manner prescribed by law.

Paupers where supported. Sec. 4. *And be it enacted,* That all paupers who may be chargeable to the said townships of Upper Freehold and Dover, at the time this act goes into operation, shall thereafter be chargeable to, and supported by that township within the bounds of which they have acquired their settlements respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements.

Real and personal property how divided. Sec. 5. *And be it enacted,* That the poor house farm and all other real and personal property now belonging to the said township of Upper Freehold shall hereafter belong to the townships of Jackson and Upper Freehold, in proportion to the number of inhabitants residing within the limits of each and who are now resident in the township of Upper Freehold, according to the last census, and shall be owned and held by them in common and that the poor house farm and all other real and personal property now belonging to the townships of Freehold and Dover, shall hereafter belong to the townships of Jackson and Freehold and Dover, in the same proportion as above mentioned and described.

Time & place of meeting of township committees to make statement &c. Sec. 6. *And be it enacted,* That the township committees of the said townships of Freehold, Upper Freehold, Dover and Jackson, shall meet on the fourth Monday in April next, at 10 o'clock in the forenoon, at the house of William Francis in the township of Jackson, and shall then and there proceed by writing to be signed by a majority of those present, to allot and divide between the said townships, all the property, and money on hand in the proportion named in the foregoing section, and adjourn from time to time, and to such time and place as a majority of those assembled may think proper, and the said township of Jackson shall be liable to pay their just

proportion of the debts, if any there be, and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision or the decision of a majority of them shall be final and conclusive.

Sec. 7. *And be it enacted*, That the said township committee of the said township of Jackson shall have power, and they are hereby authorized and empowered to sell and release to the said townships of Freehold, Upper Freehold and Dover, respectively, all the right, share and interest of the said township of Jackson, in and to the property both real and personal, now belonging to the said townships respectively or any part thereof for such sum or sums as may be agreed upon by the committees of the townships interested, and to make and deliver good and sufficient deed or deeds for the same.

Township
committee of
Jackson au-
thorised to
release inter-
est, &c.

Sec. 8. *And be it enacted*, That the township committee of the township of Millstone in the county of Monmouth, shall have power, and they are hereby authorised and empowered to sell and release to the townships of Freehold and Upper Freehold respectively, all the right, share and interest of the inhabitants of the township of Millstone in the county of Monmouth, in and to the property both real and personal which belonged to the said townships respectively at the time of establishing the said township of Millstone, or any part thereof, for such sum or sums as may be agreed upon by the committee of the townships interested, and to make and deliver good and sufficient deed or deeds for the same.

Township
committee of
Millstone au-
thorised to
release inter-
est, &c.

Sec. 9. *And be it enacted*, That this act shall go into operation and effect immediately after the passage thereof.

Act when to
take effect.

Passed March 6, 1844.

AN ACT to incorporate the Trenton Saving Fund Society.

Preamble.

WHEREAS it has been found that institutions for the purpose of receiving and investing in public stock or substantial security on real estate, such small sums as may be saved from the earnings of tradesmen, mechanics, laborers, minors, servants, and others, have been productive of very beneficial results as well by affording to such persons the advantages of security and interest, as by engendering habits of industry and frugality : *And whereas*, the increasing mechanical and manufacturing population of Trenton and its vicinity, render it desirable that such an institution should be established there and brought into legal existence by an act of incorporation, and this legislature considering it right to cherish all laudable attempts to meliorate the condition of the poor and laboring class of the community, therefore,

Names of corporations.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Peter D. Vroom, John C. Redman, John Read, Stacy G. Potts, George Dill, Xenophen J. Maynard, Richard J. Bond, Thomas J. Stryker, Jacob Kline, Jasper S. Scudder, Timothy Abbot, Charles Parker, Henry W. Green and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Trenton Saving Fund Society," and by that name they shall have perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal with power to change and alter the same from time to time, and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattles and personal estate which shall be necessary for the purposes above recited, and of selling, leasing or otherwise disposing of the said real and personal estate or any part thereof, at their will and pleasure ; *Provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon the investments, or upon the sale of any investments, in which the deposits with said society may be made, shall not exceed the sum of five thousand dollars.

Style of incorporation.

Proviso.

Sec. 2. And be it enacted, That the said society shall receive as deposits, from persons of the description contained in the preamble to this act, all sums of money that may be offered for the purpose of being invested as aforesaid, in such sums at such times and on such terms as the by-laws of the society may prescribe, which shall be invested accordingly, and shall be repaid to each depositor at such times and with such interest and under such regulations as the board of managers to be appointed as hereafter mentioned shall from time to time prescribe.

Objects of incorporation.

Sec. 3. And be it enacted, That the said board of managers shall from time to time have power to make, ordain and establish such by-laws and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for regulating the times and places of meeting of the officers and managers, and for the transacting, managing and directing the affairs of the institution; *Provided* such by-laws and regulations, shall not be repugnant to the constitution and laws of this State and of the United States, and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of said society, shall be transacted but shall not be altered so as to effect any one who may have been a depositor previous to such alteration.

Managers to make by-laws

Provide.

Sec. 4. And be it enacted, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a rateable proportion, as near as may be of all the profits of said society, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may at the discretion of the managers be so regulated that the interest allowed to depositors, having five hundred dollars or more deposited, shall be at least one per cent less than the interest allowed to others, and so that no interest or dividend on account of said surplus fund shall be allowed for monies which shall have been withdrawn from deposit.

Rates of interest, how regulated.

Provide.

Sec. 5. And be it enacted, That no emolument whatever shall directly or indirectly be received by the president or managers for their services; nor shall any manager, officer or agent of the society be allowed directly or indirectly, to borrow any money or moneys from the said society, or to use the same except to pay necessary expenses, nor shall the society have, hold or purchase any notes, bonds or mortgages or other security for the payment of money drawn or endorsed by, or existing against, any manager, officer or agent of said

President and Managers not to receive compensation for services.

society, and no manager or other officer of the society, shall make or have any interest in, any of the deposits with the said society, or the profits arising from the same except it may be for deposits made by them as trustees for the benefit of others.

Certificates
of deposit
binding on
society.

Sec. 6. *And be it enacted*, That all certificates or evidence of deposit made by the proper officer of the society, shall be as binding on the society as if the same were under their common seal.

Deposits by
minors.

Sec. 7. *And be it enacted*, That it shall be lawful for said society at their discretion to pay to any depositor being a minor, such sums as may be due to such depositor, not exceeding two hundred and fifty dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *Provided*, such deposit shall have been personally made by such depositor, and not by any other person for his or her benefit.

Proviso.

Payments of
deposits in
case of death.

Sec. 8. *And be it enacted*, That a book shall be kept at the office of the society in which every depositor shall be at liberty to appoint some person or persons to whom, in the event of his or her death, the money shall be paid if not otherwise disposed of by will, and all payments made by said society, to such persons so appointed shall be a full discharge to said society, should no such appointment be made, such deposit, on the decease of the depositor shall be paid to his or her legal representatives.

Interest on
deposits, how
paid.

Sec. 9. *And be it enacted*, That the society shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on any deposit, until it amounts to the sum of five dollars, nor to pay interest on the fractional part of five dollars, and to avoid the calculation of days on small sums, they shall not be required to allow interest for the fractional parts of a month, and months shall be considered calendar months.

Deposits to
be entered in
books.

Sec. 10. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the office and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Managers
may refuse
deposits.

Sec. 11. *And be it enacted*, That the managers shall be at liberty at any time to refuse deposits, and on giving one month's notice to return such as have been made with interest thereon to be calculated to that time and no longer.

Sec. 12. *And be it enacted*, That the said society shall invest no money in any other public stocks than such as are created under the laws of the United States or of this State, nor on bonds and mortgage, except on unincumbered real estate within the State of New Jersey worth at least double the amount of the sum invested, nor in the stock or loans of any incorporated company whatever. Money how invested,

Sec. 13. *And be it enacted*, That the society shall be conducted by thirteen managers who shall annually on the first Monday in April, choose one of their number as president, and they shall have power to appoint a secretary, treasurer and such other officers as the business of the society shall require, a majority of the board shall be a quorum to do business, the seat of any manager who shall have neglected to attend for three successive meetings may be vacated by the board, and any of the officers of the society, may be removed at the pleasure of the board, the persons named in the first section of this act shall be the first managers of the society. Managers, mode of election and duties of.

Sec. 14. *And be it enacted*, That the managers shall have power to fill up by ballot after notice of one month, any vacancy, which may occur in their own body or offices, two thirds of the members present to agree to all removals and new appointments, and no appointment or removal to take place when a less number than nine managers are present. Vacancies how supplied.

Sec. 15. *And be it enacted*, That the managers shall not receive from any one person deposits to a greater amount than five hundred dollars in any one year. What amount of deposits may be received.

Sec. 16. *And be it enacted*, That it shall be the duty of the President of the society to forward to the Speaker of the House of Assembly of this State on or before the first day of February in each year a statement under oath or affirmation of the president and treasurer showing the whole number of depositors on the books of the society on the first day of January preceding, classifying them by their occupations as nearly as possible and shewing the number of depositors having sums in deposit not exceeding ten dollars each, the number of depositors from ten to twenty dollars, the number from twenty to fifty dollars, the number from fifty to one hundred dollars, and the number of one hundred dollars and upwards, together with the names of all persons who have made deposit with said society and have not within five years next preceding the time of such statement either drawn out any part of the moneys so deposited or of the interest accruing upon it giving the residence of the depositor if known, the time the deposit was made, its amount and the interest due. President of society to make annual statement.

Books to be
open for ex-
amination.

Sec. 17. *And be it enacted*, That the books of said society shall be at all times open to such person or persons as the legislature may from time to time delegate for inspection and examination.

Act when to
be deemed a
public act.

Sec. 18. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts and places favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said corporation in any deed, gift, grant, or demise or other instrument of contract or conveyance shall vitiate or defeat the same: *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties: *Provided also*, that the legislature may at any time hereafter amend or repeal this act and dissolve the said corporation or vary or modify its powers, as to them shall seem fit and proper.

Proviso.

Passed March 7, 1844.

An act supplementary to an act, entitled "An act for the incorporation of the town of Princeton," passed the 27th day of November, A. D. 1822.

Officers of
Borough,
how elected.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the mayor, recorder, and aldermen of the said borough of Princeton, shall be elected by the freeholders and others the freemen of the said borough of Princeton qualified by law to vote, and shall continue in office one year and until their successors shall be elected and sworn into office; and for the purposes of carrying this provision into execution, it shall and may be lawful for the freeholders and others the freemen of the said borough of Princeton, qualified to vote for common council men of said borough, to assemble at Joline's Hotel, now kept by Abraham C. Schenck, in said borough on the first Monday of April next, and then and there by ballot and by a plurality of votes to elect the said mayor, recorder and aldermen, and on the first Monday of April, yearly, and every year thereafter, the freeholders and others the

freemen of the said borough of Princeton, qualified as aforesaid shall and may assemble at such place as may be appointed by the common council, and then and there by ballot and plurality of votes aforesaid, elect the said mayor, recorder and aldermen to hold their respective offices during the term of one year and until their successors shall be elected and sworn into office as aforesaid.

Sec. 2. *And be it enacted* That the said mayor, recorder, and aldermen, shall severally, before he or they take their seat or seats in the common council of the said borough, take and subscribe the oath or affirmation of allegiance to this State, and also an oath or affirmation for the faithful discharge and execution of their respective offices, within thirty days after their election, or in default thereof his or their election shall be deemed void, and a new election may be ordered by the mayor for the time being to supply the vacancy or vacancies; such oath or affirmation to be taken before a justice of the peace of the county of Mercer, or any other person lawfully authorised to administer the same, and when so taken to be deposited with the clerk of the common council of said borough, there to remain of record.

Mayor, &c.
to take oath
or affirmation.

Sec. 3. *And be it enacted*, That the aldermen elected by virtue of this act, shall be ex officio conservators of the peace within the limits of said borough, and for this purpose shall jointly and severally have authority to cause any or all persons to be brought before them, or either of them, for any breach of the peace, or for disturbing the public tranquility, shall have power to cause any or all persons so offending to be sent to the borough prison for safe keeping, until he; she or they can be brought before the mayor or any magistrate of the county for further hearing, and that the mayor shall be during the time for which he is elected, vested with all the powers and functions and be bound by all the liabilities in criminal cases that justices of the peace of the several counties of this State, now are or hereafter may be authorised to perform, and all officers and persons shall respect him as such.

Powers and
duties of
Mayor and
aldermen.

Sec. 4. *And be it enacted*, That all acts and parts of acts, coming within the purview of this act, and inconsistent therewith, be, and the same are hereby repealed; and that this act shall go into operation on the first Monday of April next.

Part of form
or act, re-
pealed.

Act when to
take effect.

Passed March 7, 1844

An Act to authorize the township committee of the township of Woodbridge, in the county of Middlesex, to build a dock at the mouth of Woodbridge creek.

Dock authorized to be built.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same. That it shall and may be lawful for the inhabitants of the township of Woodbridge, in the county of Middlesex, to raise by tax or otherwise, a sufficient sum to be expended under the direction of the township committee, or their successors, in building a dock or wharf at the ancient public landing place on Arthur Kull or Staten Island Sound, near the mouth of Woodbridge, formerly Papiac creek, on the northeasterly side thereof, to extend a sufficient distance to accommodate such vessels and steamboats as usually navigate the same; *Provided* the said dock or wharf shall not obstruct the navigation of said river or sound.

Penalty for injuring dock

Sec. 2. And be it enacted, That if any person or persons shall destroy or in any way injure the said dock, such person or persons shall be responsible for, and shall make good all damages to the township committee which they shall commit.

Compensation for use of dock may be demanded

Sec. 3. And be it enacted, That it shall be lawful for all vessels to touch, make fast, load and unload at said dock; and it shall be lawful for the township committee of the township of Woodbridge, and their successors, to demand, receive and collect compensation therefor, from all vessels or steamboats as may make use of the same, excepting only such vessels or steamboats as are owned by and belong to residents of the said township of Woodbridge.

Passed March 7, 1844.

SUPPLEMENT to an act entitled, "An Act securing to mechanics and others payment for their labor and materials, in erecting any house or other building within the limits therein mentioned."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all liens hereafter filed pursuant to the act to which this act is a supplement, shall be filed and recorded in a book kept for that purpose in the office of the clerk of the court of quarter sessions of the city of Camden, and shall when duly filed and recorded as aforesaid, be of the same force and effect and constitute a lien in the same manner as if filed in the office of the clerk of the county of Gloucester, and a scire facias may issues thereon out of the court of common pleas, and may be proceeded upon in said court in the same manner as heretofore, and the clerk of the quarter sessions of the city of Camden shall be entitled to the same fees for filing and recording liens as are now allowed to the clerk of the county.

Liens to be
filed in the
Clerks office
of 2d sessions.

Sec. 2. *And be it enacted,* That so much of the act to which this is a supplement, that requires liens to be filed in the office of the clerk of the county of Gloucester, and the second section of the supplement to the said act, passed February nineteen, eighteen hundred and thirty, be, and the same are hereby repealed.

Part of former act repealed.

Sec. 3. *And be it enacted,* That this act shall take effect immediately after the passage thereof.

Act when to take effect.

Passed March 7, 1844.

A further supplement to the act entitled, "An act securing to mechanics and others, payment for their labor and material, in erecting any house or other building within the limits therein mentioned," passed March 3, 1835.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State; and it is hereby enacted by the authority of the same,* That the provisions of this act, to which this is a further supplement, shall be extended to, and be in full force and effect within the counties of Monmouth, Salem and Cumberland, and within the township of Acquackanonck, in the county of Passaic, in this State; *Provided always,* that this supplement shall not go into effect until the first day of April next.

Provisions of
act extended
to certain
counties, &c.

Passed March 13, 1844.

A further supplement to the act entitled, "An act to incorporate the city of Trenton."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be the duty of the assessor of the city of Trenton, in making his assessment of taxes as provided by law, to assess and rate as householders all tenants and occupiers of lands or tenements, who are not owners of any lands or tenements in said city, and assessed as such.

Assessor to
assess all ten-
ants as house
holders.

Sec. 2. *And be it enacted,* That in all cases where the state and county taxes to be collected in said city, in any year, shall be directed by the Common Council to be assessed and collected before the proportion or quota of the tax to be levied and collected in the said city for such year shall be adjusted and fixed, as prescribed by law, it shall be the duty of the assessor, in making his assessment, to assess the amount of taxes adjusted and fixed as the quota of the said city for the

Duty of as-
sessors.

last preceding year; which assessment so made shall be as valid and effectual in law as if made after the proportion or quota of tax to be levied and collected in the said city for the current year shall be adjusted and fixed as prescribed by law; and in case of any deficiency in the amount of taxes so assessed, it shall be lawful for the Common Council to direct the amount of such deficiency to be added to the amount required to be assessed and levied for the next or other subsequent year; *Provided*, that nothing herein contained shall be construed to relieve the said city from the obligation imposed or to be imposed by law, to pay the amount of state and county taxes required to be levied and collected in the said city in each year;—and provided also, that the collector of said city shall pay over to the collector of the county of Mercer, the proportion of state and county taxes, directed to be assessed and levied in said city at the time and under the penalty or penalties that are or may be specified and prescribed by law in regard to the collectors of the several townships of this state. Proviso.

Sec. 3. And be it enacted, That it shall be the duty of the assessor of the said city, to include the state and county taxes and also all taxes assessed for city and township purposes, in one and the same duplicate or assessment; and the assessor for making such duplicate or assessment, and the collector for performing the duties required of him by law in relation thereto, shall be entitled to receive the fees allowed by law for making one duplicate or assessment, and collecting the same, and no more. Assessor to make one duplicate assessment.

Sec. 4. And be it enacted, That this act shall go into operation and take effect immediately on the passage thereof. Act when to take effect.

Passed March 7, 1844.

Supplement to an act entitled "An act for suppressing of Lotteries," passed 13th February, 1797.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the penalty contained in the third section of the act to which this is a supplement, shall not extend to Penalties not to extend to purchasers.

the purchaser of a ticket; and that all penalties recovered under the act to which this is a supplement, shall be appropriated to the use of the county in which the action or actions for the recovery thereof shall have been prosecuted; *Provided*, that in every action instituted under the act to which this is a supplement, the inhabitants of the county where the same is instituted, shall be competent to serve as jurors, and admitted as witnesses in any such action, notwithstanding their liability to taxation or being interested.

Part of former act repealed.

Sec. 2. *And be it enacted*, That so much of the third section of the act to which this is a supplement, as is not in accordance herewith, be, and the same is hereby repealed.

Passed March 7, 1844.

AN ACT for the relief of Mary Page, widow of Timothy Page, deceased, of the county of Monmouth.

\$60 per annum to be paid to Mary Page.

Sec. I. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the Treasurer of this state is hereby authorized and directed to pay to Mary Page, widow of Timothy Page, deceased, late of the county of Monmouth, a soldier of the Revolutionary war of the United States, or her order, the sum of forty dollars per annum, during her natural life, in half yearly payments; the first payment to be made on the fourth day of March next, and the receipt of the said Mary Page, or her order, shall be a sufficient voucher to the treasurer for the payment of the same in the settlement of his accounts.

Passed March 8, 1844. 7

A SUPPLEMENT to the act entitled "An Act to set off the township of Van Vorst, in the county of Hudson," passed March 11, 1841.

WHEREAS, the inhabitants of the township of Van Vorst, in the county of Hudson, have, by their petition, represented to this legislature, that by the act to which this is a supplement, the metes and bounds of their said township have not been so set forth, as definitely to include the territory designed to be set apart for said township, and have also represented that their taxation, as heretofore assessed upon them under the existing laws of this state, is disproportionate and unequal, bearing lightly and nominally only, upon the few wealthy landholders, but oppressively upon the large portion of the people, and the owners of small freehold estates;—and whereas, it appears that the said township is composed of a small table of land adjoining Jersey City, the whole of which said township has been laid out into building lots and streets, and that the same is rapidly improving, and it manifestly appearing to be just and reasonable that all said building lots should be equally assessed according to their relative value, and not by the acre, in cases where there may be an owner of such lots amounting to twenty acres or more, as now assessed;—and whereas, the said petitioners have represented that it would conduce to their advantage to have a common grade or grades for said streets duly established and fixed, and also to have the side walks therein duly regulated and paved, but that they have no adequate power to effect the same, or to provide for the other necessary improvements which their common welfare and safety demand, and have prayed the aid of the legislature in this behalf; therefore—

Preamble.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That "the township of Van Vorst in the county of Hudson," shall be designated and known as all that part or district, formerly a part of the township of Bergen, in said county, which lies within the following boundaries, viz: beginning in the middle of the Hudson river, thence northwesterly to the mouth of the creek or stream known as "the creek of the woods," or "mill creek;" thence running in a westerly course to the middle of the mouth of the said creek; thence following up the centre of said creek, till it

Boundaries of township of Van Vorst.

comes to the sprout of said creek, which runs into the Hoboken meadow; thence in a north-westerly direction till it meets the Hoboken embankment; thence south-westerly along said embankment till it comes to the upland at the foot of the hill; thence southerly along the foot of the hill, in a straight line till it intersects the aforesaid "Creek of the Woods," or "Mill Creek;" thence following the middle of said creek to its entrance in the Communipaw-Cove, or York bay; thence down said cove or bay to the southwesterly corner of the Jersey City boundary line; thence northerly along the westerly line of said boundary line of Jersey city, to the middle of South eighth street, thence easterly along the middle of said street until it reaches Harnissus street, thence northerly and easterly along the boundary line of Jersey City, to the centre of the Hudson river; thence northerly along the said river to the place of beginning.

Assessment of
taxes.

Proviso.

Sec. 2. *And be it enacted*, That the assessor or assessors of the township of Van Vorst, in the county of Hudson, hereafter in assessing all taxes authorized, or which may be authorized by law, for State, county and township purposes, shall assess and rate all tracts or lots of land, and all houses and lots of land within the said township according to the actual value thereof, to be rated and valued at the discretion of the said assessor or assessors, reserving the same appeal, and authorizing the collection of the same in the same way and manner, in all respects as is now or may hereafter be reserved and prescribed by the laws of this state; *Provided* however, that the proportion or quota of tax to be levied and collected in said township, for state and county purposes, shall nevertheless, be adjusted and fixed from year to year, upon the same basis or ratio, as by the laws of this state, is or may be adjusted or fixed for other townships in this state.

Town com-
mittee au-
thorized to
grade and
regulate
streets.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the town committee of said township, to pass by not less than three concurring votes, and to enforce all such orders as they shall from time to time judge proper, for establishing and fixing the grades of all the streets in said township, a proper chart or map whereof, with reference to the necessary monuments and plans, they shall cause to be filed in the office of the Clerk of the Court of Common Pleas, of the county of Hudson, there to remain as evidence in all cases and matters relating to said grades; and also, for regulating and keeping the said streets and the side walks in repair, for abating or removing any nuisance, in any street or on any wharf, or in or upon any lot or lots, or enclosure or other place or places in said township—for paving, curbing, and guttering the side walks—for regulating and sinking

wells and pumps; for providing water reservoirs and aqueducts; for extinguishing fires; for appointing and removing fire-wardens, fire-engineers and firemen, and for prescribing their duties; for erecting street lamps and lighting the same; for erecting and maintaining a town house and school houses, together with such other public buildings as may be necessary or convenient for the people of said township.

Sec. 4. *And be it enacted*, That it shall be lawful for the said town committee of said township, to raise by tax, from year to year, such sum or sums of money as they may deem necessary, for defraying the expenses of establishing and fixing the grade or grades of the streets; for regulating and keeping the same in repair, as now are or may hereafter be opened; for abating or removing any nuisance; for procuring fire engines; for supporting a night watch, when necessary; for erecting and maintaining a town house and school houses, and for defraying the contingent expenses of said township, and for all other public purposes and objects, authorized by this act, to be assessed upon the persons and property of the residents of said township, as is by law now or may be authorized, and upon the real estate of residents and non-residents, as in and by the first section of this act is authorized; *provided*, the said town committee shall not raise a greater sum than two hundred and fifty dollars in one year, unless by consent of a majority of the voters of said township, in town meeting duly convened, which taxes shall be collected by the collector of said township, and paid into the hands of the said town committee, or their Treasurer, subject to the order and disposition of said town committee; and the said collector shall proceed in all things as by the laws of this state, township collectors are bound to proceed, and shall be liable to the same pains and penalties as prescribed in similar cases; and such further proceedings shall thereafter be had, in cases of any persons being delinquent in paying said taxes, as now is prescribed by the laws of this state, for the collection of State, county and township taxes.

Town Committee authorized to receive tax for expenses of township.

Provided.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said town committee, in each and every case where improvements shall be prayed for, as hereinafter contemplated, and orders passed by the said town committee for the purpose, to appoint three discreet, impartial and disinterested freeholders of said township, who shall be duly sworn or affirmed, to assess upon principles of equity, and according to the benefit which the owner or owners thereof may derive therefrom; the real estate in said township for the improvements so as aforesaid, to be made in the streets or parts

Town committee to authorize assessment for improvements.

of streets, and for paving, curbing and guttering the side walks or any part thereof; for regulating and sinking wells and pumps; for making reservoirs and aqueducts, for the purpose of extinguishing fires; for erecting street lamps, and lighting the same; which said assessment shall be collected under and by virtue of an order or orders for the purpose, to be awarded and issued by the said town committee, under their hands and seal, in the nature of a warrant, to distrain and sell the personal estate of the owner or owners of the said real estate so assessed, directed to one of the constables of said township, whose duty it shall be to return the said warrant to the said town committee, within thirty days thereafter, with the monies raised thereupon; and in case the monies therein required to be made, together with the costs or any part thereof, cannot be made on the said warrant, the said constable shall return the said warrant, with a certificate thereof, within the said thirty days, to the said town committee, after which time the said committee may proceed to enforce the lien hereafter created, upon the said real estate; *provided*, that no assessment shall become final, until after notice thereof shall have been published by the said three assessors, by notice in writing, set in five of the most public places in the township, for the space of thirty days at least, and until the same shall have been confirmed by the said town committee, of the meeting of which said committee, like public notice shall be given, and to whom any person aggrieved may at that time appeal for relief; and provided also, that no such assessment shall be made, unless upon petition of the owners of the lots, interested in such improvement.

Provido.

Lands may
be sold for
arrears of tax

Sec. 6. *And be it enacted*, That the taxes and assessments, which shall be assessed or made upon any real estate in said township by virtue of this act, shall be and remain a lien thereon, for the space of two years, from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alteration, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the town committee of said township to cause such lands, tenements or real estate, to be sold at public auction, for the shortest time for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under their hands and seals, a declaration of such sale, and deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof,

lawfully hold and enjoy the said lands, tenements, or real-estate, for his and their own use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be completed and ended; *provided*, Proviso. that the said town committee shall have first caused such sale to be advertised for at least sixty days, in at least one public newspaper, printed and published in said township, and if no newspaper shall be printed and published in said township, then in at least one public newspaper printed and published in this state, and generally circulated in said township, and also by advertisements put up in at least five public places in the said township, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the tax or assessment thereon; and provided also, that the lands, tenements, or real estate so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of the sale, on the payment of the amount of the purchase money with interest, at the rate of twelve per cent. per annum, from the day of sale, and all expenses necessarily incurred thereupon; and provided also, that in case the same shall be paid as hereinbefore provided by the mortgagee or mortgagees, then, and in that case the whole amount of that payment shall be recoverable under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same way and manner, in all respects, as if the same were included in and intended to be secured by the said mortgage.

Sec. 7. *And be it enacted*, That this act shall go into operation on and after the 2nd Monday in April next; *Pro-* Act when to
take effect. *vided*, it shall be approved by three-fifths of all the legal voters of the said township at a public meeting to be called for that purpose, upon ten days previous notice thereof, by written advertisements, to be set up by the township committee of said township, and it shall then if approved, be considered a public act.

Passed February 29, 1844.

AN ACT to alter and amend the charter of the city of New Brunswick.

Preamble.

WHEREAS it has been found by experience, that the present charter of incorporation of the city of New Brunswick, is insufficient to answer the good purposes thereby intended: Therefore,

Boundaries
of city of
New Brun-
swick.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all that tract of land situate, lying and being within the limits and boundaries hereinafter mentioned and described, that is to say: Beginning at a point in Raritan river, distant ten chains on a course south fifty three degrees and fifty five minutes west, from the northwest corner of the foundation of a dwelling house, situate on the southwesterly side of the Delaware and Raritan Canal, thence south fifty-three degrees and forty-five minutes west, seventy-three chains and thirty-three links, thence south nineteen degrees and thirty minutes, east sixty-five chains and eighty links, thence south fifty-nine degrees and thirty minutes, east thirty-nine chains and fifty links, thence south eighty-nine degrees, east forty-five chains and twenty links, thence north seven degrees, east forty chains to a point in the Raritan river, and thence up the said river, the several courses thereof to the place of beginning, containing in all about eight hundred acres, shall be, and the same is hereby ordained, constituted and declared to be a city and town corporate, and shall henceforth be called, known and distinguished by the name of "the city of New Brunswick."

Style of in-
corporation.

Officers of
corporation.

SEC. 2. And be it enacted, That there shall henceforth be in the said city, a mayor, who shall be keeper of the common seal; a recorder, who besides the office of Recorder, shall in case of the absence, death or disability of the mayor, have, hold, use and execute, the several duties annexed to the mayoralty and every of them, during such absence or other disability; three aldermen, six common council men and one town clerk: which mayor, recorder, aldermen, and common council men shall be one body politic and corporate in deed, fact and name, by the name, style and title of "the mayor, recorder, aldermen and common council men of the city of New Brunswick, and by that name they and their successors forever hereafter, shall and may have perpetual succession and

shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal and use the same at their pleasure and also by their corporate name aforesaid, shall be in law capable of purchasing and holding and conveying any estate, real or personal for the public use of the said corporation: a majority of the said mayor, recorder, aldermen and common council men shall constitute a common council, and in the absence of the said mayor and recorder, the said common council may elect or appoint a presiding officer *pro tempore*, who during the time he presides shall be fully vested with the power and authority of the mayor, for the transaction of all the business of such meeting: *Provided always*, no by-laws nor ordinances of the said common council, shall pass without the concurrence of at least six votes. Previous.

Sec. 3. *And be it enacted*, That it shall and may be lawful for such of the inhabitants of said city of New Brunswick, as have resided within the limits thereof for one year, immediately preceding the election to be held for city officers, and who are in other respects legal voters, to assemble at the city hall in the said city, on the second Monday in May next, and then and there by ballot, and by a plurality of votes to elect a mayor, recorder, three aldermen, and six common council men, a town clerk and city marshal, to hold their respective offices for one year and until their successors are elected and sworn into office, and on the second Monday in May yearly and every year thereafter, the inhabitants aforesaid shall and may hold a like election at such place in said city, as may be designated by the common council; the time of opening and closing the poll at said election, and the mode and manner of conducting the same, shall be prescribed by ordinance: *Provided*, that the poll shall be open at least from twelve o'clock noon, until seven o'clock in the afternoon; in case of a vacancy in either of the offices of mayor, recorder, alderman, or common council men, the common council may, at their discretion, order a new election to fill such vacancy, at such time and place as they may see proper, giving at least ten days' notice thereof, which election shall be conducted in the same manner as the regular election; and in case of a vacancy in either of the offices of town clerk or city marshal, the common council shall, and may appoint a town clerk or city marshal, *pro tempore*. Annual election of officers.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That the aforesaid officers shall, before entering upon the duties of their respective offices, and

Officers to
take oath or
affirmation.

within thirty days after their election, take and subscribe an oath or affirmation for the faithful discharge and execution of the duties of their respective offices; or in default thereof, his or their election, as the case may be, shall be deemed void and of non-effect, and a new election may be ordered by the mayor, for the time being, to supply such vacancy or vacancies, the said oath or affirmation, or any oath or affirmation, required under this act, may be administered by any officer authorized to administer an oath by the laws of the State; and besides the oath required of the said city marshal, he shall, before he enters upon the duties of his office, and within the said thirty days after his election, enter into a bond to the mayor, recorder, aldermen, and common council men of the city of New Brunswick, with one or more sureties, to be approved of by the said common council, in such sum as they may direct, conditioned for the true and faithful performance of all the duties of his said office of said city marshal, and if he neglect or refuse to enter into said bond, within the said period of thirty days, then his said election shall be deemed void and of non-effect, and a new election shall be ordered and held, to supply the vacancy, in the same manner as is prescribed in the case of the other afore mentioned officers..

City marshal
to give bond.

Common
council may
make by-
laws.

Sec. 5. *And be it enacted,* That the said common council shall and may pass, seal with the common seal, and publish such by-laws and ordinances, not repugnant to the laws of this State, or of the United States, as they may consider calculated to promote the welfare, good government, health and prosperity of the said city of New Brunswick, and the inhabitants thereof, and the same to put into execution, revoke, alter, amend and make anew, as to them, in their discretion, may appear necessary and proper, which by-laws and ordinances shall be published in one or more of the public newspapers of the said city, within twenty days after the passage thereof, for the general information of the said inhabitants.

Mayor, Re-
corder and
common
councilmen,
constituted a
court of rec-
ord.

Sec. 6. *And be it enacted,* That the Mayor, Recorder, Aldermen and Common Councilmen of the City of New Brunswick, shall and may make, limit and impose, and tax, reasonable fines and amercements against all, and upon persons who shall offend against the laws, ordinances and regulations of the said common council, and the said mayor, recorder, or either of the said aldermen, is hereby constituted a court of record to take cognizance of all offences against such by-laws and ordinances, and punish all offenders against the same, by fine, not exceeding fifty dollars, and imprisonment in the jail of the county of Middlesex, not exceeding six days, together with the costs of conviction; and it shall and may be lawful for the said mayor, recorder, or either of the said al-

dermen, upon complaint made on oath, of an offence committed against the said by-laws and ordinances, to issue his warrant to the marshal, or other executive officer, commanding him, in case such offender or offenders be sentenced to imprisonment, to convey him to the jail of the said county of Middlesex, there to remain until the term of imprisonment shall have expired; and from thence, until the costs of prosecution shall be paid; and in case the offender or offenders, shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor, recorder, or either of the said aldermen, before whom such conviction may be had, to issue an execution to said marshal or other executive officer, commanding him to levy and make such fine and costs of the goods and chattels of the offender or offenders, and for want of goods and chattels, to take and convey such offender or offenders, to said jail, there to remain until such fine and costs shall be paid; and the said marshal is hereby required to execute the process aforesaid: *Provided*, always, that any person convicted of a breach of any by-law, or ordinance, may appeal to the common council, upon such terms and conditions as said common council may by ordinance impose; but such appeal shall be brought within thirty days after conviction.

Sec. 7. *And be it enacted*, That the said common council shall, and may make and appoint a city treasurer, clerk of the market, assessor, collector, and such other subordinate officers as to them may seem proper and necessary, for the good government and welfare of the said city; all the officers of the said corporation, except those elected by the people, shall hold their offices during the pleasure of common council, and shall give such security for the faithful performance of the duties thereof, to the mayor, recorder, aldermen and common council men, of the city of New Brunswick, as they may order and direct.

Common council to appoint certain officers.

Sec. 8. *And be it enacted*, That the common council shall have the sole and exclusive power of licensing all and every innkeeper or tavernkeeper, residing within the bounds of the said city, subject to the same provisions, restrictions and regulations, and in like manner as the said licenses now are, or may at any time hereafter be granted by the laws of this State.

Tavern licenses.

Sec. 9. *And be it enacted*, That all actions to be brought for the recovery of any penalty or penalties, created or imposed by any by-law, or ordinance, made and passed, or that hereafter may be made and passed by the said common council, may be brought and prosecuted in the name of the "Treasurer of the city of New Brunswick," without specifying the individual name of the treasurer of the said city, for the time being; and the books of records of the ordinances and

Action for recovery of penalties, &c. how conducted.

by-laws of the said common council shall be taken and received as evidence of the due passage of all ordinances and by-laws recorded therein, and the publication by authority of common council, of their ordinances and by-laws, in a volume or pamphlet form, shall, in like manner be taken and received in evidence of the due passage thereof, and the publication of the said ordinances and by laws in one or more of the public newspapers of the said city, according to law, shall, in all cases be presumed to have been done, until the contrary shall be proved.

Inhabitants
of city not
incompetent
as witness or
juror.

Sec. 10. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation, the said common council are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant or freeholder of said city; and if any person be sued or impleaded by reason of any thing done by virtue of this act, such person may plead the general issue and give this act, and the special matter in evidence at the trial.

Regulating
and paving
streets and
sidewalks.

Sec. 11. *And be it enacted*, That it shall and may be lawful for the common council of the said city, to make and establish ordinances and regulations for the levelling, grading, regulating, paving, flagging or gravelling, of the streets and side walks of the said city; the work to be done by the owners or occupants of lots fronting or adjoining such streets, and to be superintended by the city paver, who, under the direction of common council, shall prescribe the manner in which such work shall be done; if the owner or legal representative or guardian of the owner of any lot in front whereof the street or walk, shall, by such ordinance or regulation, be directed to be levelled, paved, graded, regulated, flagged or gravelled, shall neglect to comply with such ordinance or regulation, within two months after the passage and publication of the same, it shall be lawful for the common council to cause the work to be done agreeably to the ordinance, for such person so neglecting, and to cause a particular statement and account of the expenses of the said work, to be rendered to them and recorded in their minutes and properly filed; if the said account be approved and allowed by common council, or if any amount be allowed by them for the performance of said work, they shall cause an advertisement to be inserted in the public papers printed in New Brunswick, for one month, stating the amount allowed and approved of, for the performance of the work, and requiring the owner or legal representative or guardian of the owner, as the case may be, to pay the same to the treasurer of the said city at a certain time and place, and also appointing a certain time and place where such lot will be

sold at public auction, if default be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of paying the amount due as aforesaid, and if notwithstanding such notice and demand, the owner or owners of such lot or lots, or the legal representative of such owner or owners, shall neglect to pay the amount due as aforesaid, with the costs and charges thereof, and the costs of the advertisement, it shall be lawful for the said common council to cause the said lots to be sold at public auction, for a term of years, at the time, for the purpose, and in the manner expressed in the advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, his or their executors, administrators or assigns, and he or they shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners, and all claiming, under him or them, until his time therein shall be complete and ended, and be at liberty to remove all the buildings and materials, which he or they may erect or place thereon: *provided, nevertheless*, that in case the owner or owners, or the representative or guardian of such owner or owners, be a non-resident, or non-residents of the counties of Middlesex and Somerset, he or they shall have due written notice of the passage or enactment of the ordinance requiring said work to be done, which said written notice shall be served personally, or sent by mail, directed to the said person or persons, within twenty days after the passage of such ordinance; and proof of having put the said written notice in the post office at New Brunswick, directed to such person or persons, at his or their most usual place of abode, shall be deemed and taken as full proof of the service of such notice; and in case of neglect, as aforesaid, and the performance of the work by common council, the said common council may, instead of the remedy aforesaid, sue for, and recover the amount paid by them for the work aforesaid, from the owner or owners of such lot or lots, or his or their legal representative, with interest and costs, in any court in this state, having cognizance thereof, in an action on the case, for so much money, by them paid, laid out and expended, to and for the use of such owner or owners, or his or their legal representative, and in every such action, the proof of the amount paid by the common council, shall be conclusive evidence for the plaintiffs, of the amount due.

Sec. 12. *And be it enacted*, That it shall be lawful for the tenant of any lot, or house and lot within the said city, upon the neglect or refusal of the owner or owners thereof, to cause the side walks or the said street in front thereof to be leveled, paved, graded, flagged or gravelled, in obedience to an ordinance or regulation, and to deduct the charges and

Tenant to
pave if owner
refuse.

expenses thereof out of his rent; *Provided*, nothing in this act shall affect any contract or agreement made, or to be made between landlord and tenant respecting such charges and expenses.

Assessments
for expenses
of city.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the inhabitants of the said city of New Brunswick, who are entitled to vote at their annual town meeting, to vote such a sum or sums of money as they may think necessary to be raised for the ensuing year, for the expenses of the said city; which sum or sums shall be assessed upon the inhabitants of said city, by the assessor, agreeably to the laws and regulations to be made by the common council of the said city for that purpose, and collected by the collector at such time, and be paid and disposed of in such manner as the common council shall direct; and if no sum or an insufficient sum shall then be voted to be raised, and the interests of the city require it, the common council are hereby authorized to call a meeting of the said inhabitants so entitled to vote, by advertisement or otherwise, giving at least ten days notice, and to propose to them the sum in their opinion necessary to be raised, and whatever sum the said inhabitants shall by plurality of voices, vote to be raised, shall be assessed and collected, paid and disposed of in manner aforesaid; *Provided*, that every person in said city who may think him or herself aggrieved by any fine, penalty, or assessment, imposed on them in virtue of this act, may appeal to the common council, who are hereby required to hear his or her cause of complaint; and to do therein what to them may appear just and equitable.

Appeal.

Justices of
the peace.
their powers
and duties.

Sec. 14. *And be it enacted*, That three justices of the peace shall be appointed and commissioned for said city, in the same manner and for the same term of office as justices of the peace throughout this state are now appointed and commissioned, who may exercise the like power and have the same jurisdiction within the bounds of the said city as the said justices have and exercise in their respective counties and who shall in like manner be amenable to the council and General Assembly of this state. The courts held by such justices shall be courts of record, and the said justices of the peace shall have full power to keep and cause to be kept, all laws or ordinances made or to be made, for the conservation of the peace, and for the good government of the citizens and inhabitants of this state, within the said city of New Brunswick, according to the force, form and effect, of the same laws or ordinances, and to cause to come before them or any of them, all persons, who, within said city shall break the peace, or have used or shall use threats to any of

the citizens or inhabitants of this state, concerning his or her body, or the firing his or her house or other building, or who are not of good fame, where they are found, to enter into recognizance with sufficient surety for the peace, or their good behaviour towards the people and inhabitants of this state, and if they enter not into such recognizance, then to cause them to be safely kept in prison until they do the same, and further to do, perform, and execute all such matters, acts and things, as by law appertain to their offices respectively, and are or shall be enjoined upon them and committed to their charge and execution, and all recognizances taken before any of the said justices by virtue of this act, may be sent to the court of general quarter sessions of the county of Middlesex or Somerset, as the case may be, according to the territorial jurisdiction of the said respective courts to the end that the said recognizance may be prosecuted to judgment and execution, if need be.

Sec. 15. *And be it enacted*, That the mayor, recorder and aldermen of the said city shall have the same criminal jurisdiction within the bounds of the said city, as the justices hereinbefore mentioned and appointed by this act, and for that purpose be vested with the like powers, and subject to the same regulations.

Mayor, &c. to have criminal jurisdiction.

Sec. 16. *And be it enacted*, That the marshal and assistant marshals of the city of New Brunswick, shall be ministerial officers, and shall and may execute all process of the said courts according to law.

Duties of Marshal.

Sec. 17. *And be it enacted*, That the act entitled, "An act to alter and amend the charter of the city of New Brunswick," passed the twenty-third of February, eighteen hundred and one, and the act entitled, "A supplement to the act entitled an act to alter and amend the charter of the city of New Brunswick," passed the twenty-third of February, eighteen hundred and one," passed the seventh of February, eighteen hundred and eighteen, and the act entitled, "An act further to alter and amend the charter of the city of New Brunswick," passed the fourteenth of February, eighteen hundred and thirty-eight," be, and the same are hereby repealed; *provided*, that this repealing clause shall in no wise be considered to repeal any ordinance, by-law or regulation, or any other legal act heretofore passed, made or done by the common council, but all such by-laws and ordinances shall be and remain in full force until revoked, altered or amended by the common council, and may be executed and carried into full force and operation.

Former acts repealed.

Proviso.

Sec. 18. *And be it enacted*, That the fourteenth and fif-

teenth sections of this act, shall go into operation immediately upon the passage thereof, and the residue shall go into operation on the second Monday of May next.

Act when to
take effect.

Public act. Sec. 19. *And be it enacted*, That this act shall be deemed and taken to be a public act, and as such be taken notice of by all courts of justice within this state.

Passed March 7, 1844.

AN ACT to establish a new township in the county of Cumberland; to be called "Columbia."

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the townships of Hopewell and Stoe Creek, in the county of Cumberland, which is within the following limits, to wit: Beginning at the cross roads at Roadstown, following the middle of the new road that leads to Bridgeton, which road bears south seventy-six and three quarter degrees east, from where the new road leaves the old road, and follow the said new road until it intersects the cross road leading from Bowentown to Barrett's run, near the house where Jacob Souder now lives; thence up said road north seven and three quarter degrees east to Barrett's run; then following the road leading to the Elmer farm or Ebenezer Davis' house, the several courses of said road until it intersects the road leading from the commissioners road to Seely's mill; then following it, bearing south sixty-four and three quarter degrees west the several courses thereof until it intersects the commissioners road at Columbia; thence up the commissioners road and the several courses of the line of the township of Hopewell, until it intersects the Salem county line; then along said line until it intersects the road leading to Davis' mill; then down said road the several courses thereof, until it intersects the road leading direct from Wood's mills to Roadstown; thence down the said road to Roadstown, the place of beginning, shall be, and the same is hereby set off from the townships of Hopewell and Stoe Creek, and established into a new township, to be called the township of "Columbia."

Boundaries
of township
of Columbia.

Style of incorporation.

Sec. 2. *And be it enacted,* That the inhabitants of the said township of "Columbia," shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The inhabitants of the township of Columbia, in the county of Cumberland," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Cumberland are or may be entitled or subject to by the laws of the State.

Inhabitants
of township
incorporated.

Sec. 3. *And be it enacted,* That the inhabitants of the said township of Columbia shall hold their first annual town meeting at the town of Shiloh, in said township of Columbia, on the day appointed by law for holding the annual town meetings in the other townships in said county of Cumberland.

First town
meeting.

Sec. 4. *And be it enacted,* That Samuel Harris, Harris B. Mattison and Jacob Harris, or any two of them, be, and they are hereby appointed commissioners to run, survey, mark and ascertain the several lines hereinbefore mentioned, which said commissioners shall before the second Tuesday of March next, execute and discharge the duties of their said appointment, in the same manner and in all respects as if they had been appointed commissioners for the purpose aforesaid, by the inferior court of common pleas of the county of Cumberland, upon the application of chosen freeholders of the said county, except only that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment, and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed, in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Commission-
ers to run
township
lines.

Sec. 5. *And be it enacted,* That the township committees of the townships of Hopewell and Columbia shall meet on the Monday next after their annual town meetings, at the inn now kept by Thomas Blackwood, in the township of Hopewell, at one o'clock in the afternoon, and shall then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships, all the property or moneys on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of said townships at the last assessment; and again in like manner, the township committees of the townships of Columbia and Stoe Creek, shall meet on the Tuesday next after their annual town meetings, at the inn of George Earnest, in the township of Stoe Creek, at one o'clock in the afternoon, and when

Division of
property and
debts be-
tween town-
ships.

so met, shall proceed to make division in like manner as in the case of Hopewell; and the inhabitants of the said township of Columbia shall be liable to pay their just proportion of the debts, and maintain and support the paupers so allotted to them; and if any of the persons composing either said township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority present shall be final and conclusive; Provided, that it shall and may be lawful for a majority of said committee to adjourn to such time and place as they may direct.

Right of township to portion of surplus revenue not affected.

Sec. 6. *And be it enacted*, That nothing in this act shall be construed to impair or in anywise affect the right of said Columbia township, of, in and to any portion of the surplus revenue of the General Government, to which the said township may now, or at any time hereafter be entitled, in the distribution of said surplus revenue.

Act when to take effect.

Sec. 7. *And be it enacted*, That the fourth section of this act shall take effect immediately on the passage thereof, and the remaining sections on the second Tuesday of March next.

Passed March 8, 1844.

AN ACT to divorce Charlotte Dimick, of the county of Warren, from her husband, William W. Dimick.

Charlotte & William W. Dimick divorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Charlotte Dimick, of the county of Warren, and William W. Dimick, her husband, be, and the same is hereby dissolved, as fully to all intents and purposes, as if they had never been joined together in matrimony.

Passed, March 8, 1844.

An Act to Incorporate Benevolent and Charitable Associations.

Section 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same:* That every association of persons not exceeding five hundred in number associated for benevolent and charitable purposes only be and they are hereby authorized at any regular meeting of such association, by a majority of votes, to elect by ballot five or more directors, a president, a vice president, secretary and treasurer, and such other officers and assistants as shall be deemed necessary, which said president and directors and their successors in office are hereby constituted a-body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law, of suing and being sued, defending and being defended in all courts, and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may make and enter into, execute and enforce, any contracts or agreements, relating to, touching or concerning the objects of said corporation.

Associations
incorporated

Sec. 2. *And be it enacted,* That the said president, and directors shall immediately certify such corporate name under their hands, and file such certificate in the office of the clerk of the court of common pleas, whose duty it shall be to record the same for which he shall be entitled to receive twenty-five cents.

Certificate to
be filed in
Clerk's office.

Sec. 3. *And be it enacted,* That the estate and property of what kind soever the same may be of such association shall be vested in the body corporate and politic so created, which said body corporate and politic by their corporate name shall be able to purchase, receive, take, hold and convey for the use and benefit of such corporation, and for the purpose of effecting the objects of its incorporation, any lands, tenements, and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate: *Provided,* that the clear yearly income or value of the real and personal estate of any such corporation, shall not exceed in value the sum of one thousand dollars.

Estate and
property
vested in so-
ciety.

May make
by-laws, &c.

Sec. 4. *And be it enacted,* That incorporations under this act shall be authorized to make, adopt and use, and from time to time to alter, amend or change such general form of a constitution, and such by-laws for their government as to them shall seem right and proper: *Provided,* that nothing in said constitution or by-laws be repugnant to the constitution or laws of the United States or of this State.

Proviso.

Objects of in-
corporation.

Sec. 5. *And be it enacted,* That the sole and exclusive object of incorporations under this act shall be the relief or support of such of the members thereof, as shall by sickness, casualty or other cause, be rendered incapable of attending to their usual occupation or calling, as well as to discourage intemperance, and also towards the decent interment of deceased members or the widows of deceased members, and other charitable purposes, as may be provided for in the constitution and by-laws of such incorporation, and such other necessary expenses as shall accrue by carrying into effect the objects herein set forth, and no part of the funds of such corporation shall be used for banking purposes or in any manner except as provided for in this act.

Officers to be
elected annu-
ally by ballot

Sec. 6. *And be it enacted,* That the officers of any such incorporation shall be elected annually by ballot, by a majority of the members convened for that purpose, upon two weeks public notice at such time and place as the said corporation shall from time to time appoint.

Act may be
amended, &c.

Sec. 7. *And be it enacted,* That the legislature may at any time alter, modify or repeal this act; and may also amend or repeal the charter of any association incorporated under and by virtue of the provisions of this act and the same shall take effect from and after the passage thereof.

Passed March 12, 1844.

AN ACT to authorize Edward T. Williams, surviving executor of the last will and testament of William T. Corlies, late of the county of Monmouth, deceased, to convey certain real estate therein named.

WHEREAS, William T. Corlies, late of the county of Monmouth, deceased, did, by his last will and testament, bearing date the 19th day of January, 1835, bequeath to Alice Corlies, a legacy of five thousand dollars, and directed his executors to purchase a certain house and lot therein named and to settle the same, by deed, to the aforesaid Alice Corlies, and the heirs of her body, lawfully begotten; but the said deed to be conditioned, that provided the said Alice should die before marriage, or after marriage, without leaving children of her own; and in such case to descend to his heirs at law, and he directed his executors to appropriate any part of the aforesaid five thousand dollars for the purchase of the said lot at their discretion; and the said testator did further by his will direct that in case he should purchase the aforesaid lot himself for the said Alice, then the amount of the purchase money to be deducted from the aforesaid legacy; and did appoint Taber Chadwick, and Edward T. Williams, executors of his said will;—and whereas, the said William T. Corlies, in his lifetime, to wit: on the 15th day of March, 1836, did purchase the said house and lot, and take a deed for the same, in his own name;—and whereas, the said Taber Chadwick, one of the executors named in the said will, hath since departed this life, leaving the said Edward T. Williams, the surviving executor thereof;—and whereas, doubts have been raised whether the said survivor, executor, can legally convey the title of the said house and lot to the said Alice Corlies, agreeably to the said will, without legislative aid in the premises, therefore,

Preamble.

— SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Edward T. Williams, surviving executor of the last will and testament of William T. Corlies, late of the county of Monmouth, deceased, to convey by deed to Alice Corlies, a certain house and lot, in the said will particularly mentioned and described, agreeably to the conditions and limitations contained in the said will, which said deed shall convey and vest in the said

Executor authorized to make deed.

Alice Corlies and her heirs, only such title and estate as would have been vested in her and them in case the said executors had purchased the said house and lot and conveyed the same according to the directions of the said will.

Passed March 8, 1844.

AN ACT to incorporate "The Trenton Monument Association."

Names of
Corporators.

Style of in-
corporation.

First meeting
how called.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Garret D. Wall, William Pennington, Mahlon Dickerson, Joseph W. Scott, Robert D. Spencer, Peter D. Vroom, Joseph C. Hornblower, Isaac H. Williamson, Robert F. Stockton, Philemon Dickerson, Dudley S. Gregory, Robert G. Johnson, Henry W. Green, Stacy G. Potts, and Charles Burroughs, and their associates, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Trenton Monument Association;" and by such name they shall have continual succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and shall be capable of purchasing or holding by gift, grant or otherwise, such real and personal estate and property, as may be necessary or convenient to promote the object of the incorporation, the construction of a monument at Trenton, to commemorate the victory obtained by the Revolutionary Army under the command of General Washington, on the twenty-sixth day of December, seventeen hundred and seventy-six.

Sec. 2. And be it enacted, That the said Garret D. Wall, Joseph C. Hornblower, and Henry W. Green, may call the first meeting of said corporation, by giving twenty days' notice thereof, in a newspaper printed in the city of Trenton, and one printed in the city of Newark, at which, or any subsequent meeting, the said corporation may choose such off-

cers, agents, and trustees, as they may think proper, and establish such by-laws and regulations for their own government and management of their concerns, not repugnant to the laws and constitution of this state, as they may deem necessary, and the same may modify and annul at pleasure.

Sec. 3. *And be it enacted*, That the said corporation may at any time after said monument shall be completed, assign Monument may be assigned to the state. and transfer the same, with the land on which it stands, and the appurtenances, to the state, and that the state will accept the same: *Provided*, that the state shall not thereby become liable for the debts contracted by the said corporation.

Passed March 8, 1844.

AN ACT for the relief of Mary Lanning.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Treasurer of this state be, and he is hereby authorized and directed to pay unto Mary Lanning, widow of David Lanning, deceased, a soldier of the Revolutionary war, or to her order, sixty dollars per annum during her natural life; in semi-annual payments of thirty dollars each: the first payment to be made on the eleventh day of March instant. \$60 per annum to be paid to Mary Lanning.

Passed March 8, 1844.

AN ACT relative to carriages and other vehicles, in the county of Hudson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That if any person or persons residing out of this state shall run any vehicle within the limits of the county of Hudson, or employ the same in the conveyance and carrying of passengers, or if any vehicle drawn by any team of one or more horses, which shall not be owned at the time by a person or persons residing in this state, shall be engaged or employed in the conveyance of passengers within the limits aforesaid, the owner or person driving such vehicle, or person having the same in charge, shall be liable to the payment of a penalty of five dollars for every such offence, to be recovered in an action of trespass on the case with costs, before any justice of the peace of said county, by any person who shall prosecute the same, which fine when recovered and collected shall be by the officer receiving the same, paid to the collector of said county of Hudson, for the benefit of the people of said county: *Provided,* that nothing in this act, shall be construed to prevent any person from travelling in his own private conveyance, nor in any manner to prevent the running of any vehicle within the limits aforesaid, which shall have been hired out of said limits by any person or persons for the purpose of carrying him or them to any part of said county or elsewhere, while the said vehicle is employed in the conveyance of such person or persons, or the running of any coach within the limits aforesaid which belongs to any regular line of stage coaches; nor to prevent any of the inhabitants of the said county from being witnesses in any such action.

Non-residents
not to engage
conveyance
of passengers.

Penalty.

Powers.

Proceedings
in case of
violation of
provisions of
this act.

Sec. 2. *And be it enacted,* That whenever any person is found violating any of the provisions of this act, the said vehicle and team shall and may be detained and kept by the officer summoning the owner, driver, or person having the same in charge, to answer the judgment of the justice, who shall try the said action, the proceedings before the said justice shall be summary, the board of chosen freeholders of the county of Hudson shall be named as the plaintiffs, and the pleading shall be oral, and entered upon the justice's docket, and in case judgment is given against the defendant or defendants in said action, and he or they shall not pay the same, then the justice shall issue an execution to be levied

upon the said vehicle and team, directed and to be delivered to the constable having said vehicle and team in charge, who shall advertise the same for the space of five days in the manner prescribed for the sale of goods and chattels upon execution, in and by the act constituting courts for the trial of small causes, and sell the same or such part thereof as will be necessary to make the amount of damages, costs and expenses, of advertising and selling the same, and pay the same penalty over to the county collector as hereinbefore prescribed and the surplus, if any, to the justice for the benefit of the owner of such vehicle and team.

Sec. 3. *And be it enacted*, That this act shall go into effect immediately after the passage thereof. Act when to take effect.

Passed March 8, 1844.

A SUPPLEMENT to the act entitled "An Act to incorporate the proprietors of the Orange Cemetery, in the county of Essex," passed November thirteenth, eighteen hundred and forty.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the corporate name of the company incorporated by the act to which this is a supplement, be and the same is changed from "The Proprietors of the Orange Cemetery," to "The Proprietors of the Rosedale Cemetery;" and by that name shall be called and known in all places, and in all matters and things, wheresoever and whatsoever, any thing in the said act hereby amended to the contrary notwithstanding. Corporate name changed.

Sec. 2. *And be it enacted*, That all the clauses, sections, and provisions of the act hereby amended, shall be and remain in force, and apply to the said "The Proprietors of the Rosedale Cemetery," (except only as the same may be repugnant to this act) in all respects as if the said "The Proprietors of the Orange Cemetery" had been originally created under the said name of "The Proprietors of the Rosedale Cemetery." Provisions of former act to remain in force.

Passed March 8, 1844.

AN ACT to authorize the administratrix of Sidney Freeman, deceased, to fulfil a certain contract therein named.

Preamble.

WHEREAS, Sidney Freeman, late of the city of Philadelphia, deceased, did, in his lifetime, enter into an agreement with Ellis Freeman, of the county of Middlesex, for the sale and conveyance of all his right, title and interest in certain real estate, whereof, of Enos Freeman, deceased, died seized, and the said Ellis Freeman was to pay therefor the sum of four hundred dollars, and the said Sidney Freeman departed this life without having made and executed a deed of conveyance for the said property;—and whereas letters of administration have been granted to Mary A. Freeman, widow of the said Sidney Freeman, deceased, and the said Administratrix, and all persons interested in said property, have prayed for legislative aid in the premises, therefore—

Administratrix authorized to make deed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Mary A. Freeman, administratrix of the estate of Sidney Freeman, deceased, be, and she is hereby authorized to make, execute and deliver to the said Ellis Freeman, a good and sufficient deed of conveyance of all the estate, right, title and interest of the said Sidney Freeman, of, in, and to the aforesaid real estate, situate in the township of Woodbridge, in the county of Middlesex, which said deed shall be as valid and effectual as if the same had been duly executed by the said Sidney Freeman, deceased, in his lifetime.

Passed March 8, 1844.

AN ACT to provide for the appointment of street commissioners in the township of Paterson.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the persons qualified to vote at town meetings in the township of Paterson, in the county of Passaic, in this State, at the next and every subsequent annual town meeting in said township, to elect for said township, by a plurality of votes, five street commissioners, who shall be freeholders and residents in said township, whose duty it shall be to make, establish, and enforce all such rules, ordinances, and regulations as they, or a majority of them, shall think proper and necessary for preventing the encumbering or obstructing the streets and sidewalks within the limits of "the Paterson Fire Association," in the said township; for preventing or regulating the running at large of dogs and swine therein; for abating or removing any nuisance in any of the said streets, or upon any lot or enclosure within the limits aforesaid; for regulating the vending of meats and vegetables, and for such other purposes as the comfort and convenience of the citizens and travellers upon said streets may require; and to enforce the observance of such rules, ordinances, and regulations, by uniform penalties for the violation thereof, by fines, not exceeding twenty-five dollars, or by imprisonment, not exceeding twenty days, for every repetition of the offence; which fines may be recovered, with costs of suit, in an action of debt, in the corporate name of said township, for the use of the township, before any justice of the peace within said county; in which action the first process shall be by summons, and in which it shall be lawful to declare generally in debt for such penalty, and to give the special matter in evidence: and further, that it shall be lawful for such justice before whom judgment of imprisonment shall be given to carry such judgment into effect by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county, which is in said township, who shall receive and keep the prisoner at the expense of said township; *Provided always,* that each and every rule, ordinance, and regulation, so made and established as aforesaid, shall be published for the space of one week in printed handbills, set up in public places in and about said township, and in the newspapers published therein, before the same shall go into effect; and *provided also,* that no rule, ordinance, or

Street commissioners, how appointed.

Powers and duties.

Fines how collected.

Provide.

regulation shall be made which will prevent farmers' wagons, or other vehicles from the country, with wood or the products of their farms, from stopping with the same along the sides of said streets, except upon the established crossings thereof.

Inhabitants of township, to be legal witness, &c.

Sec. 2. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, under this act, no person shall be deemed an incompetent witness, or juror by reason of his or her being an inhabitant within the said township: and it shall be lawful for the defendant or defendants, in any suit instituted under this act, to plead the general issue, and to give any special matter in evidence at the trial.

Act when to take effect.

Sec. 3. *And be it enacted*, That this act shall go into operation on the second Monday in April next, provided a majority of the legal voters, at the town meeting to be held on that day in said township of Paterson shall signify their approval thereof by placing upon the ballots containing the names of the street commissioners for whom they shall vote, the words, "In favor of street commissioners" and if it shall appear that less than a majority of said voters shall have expressed their approval of this act in manner aforesaid, then the same shall be null and void.

Passed March 8, 1844.

AN ACT to authorize Maria Fraser, widow and guardian of the children and heirs at law of John Fraser, deceased, to sell and convey certain real estate.

Widow authorized to make deed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Maria Fraser, widow and guardian of the children and heirs at law of John Fraser, late of Jersey City, deceased, be, and she is hereby authorized and empowered to make a deed of conveyance unto the New Jersey Railroad and Transportation Company, their successors and assigns, for lot number twenty-five, in Mercer street, Jersey City, for the consideration of three thousand dollars, which lot was

conveyed by George E. Grenzeback and wife, to the said John Fraser, by deed bearing date the first day of June in the year eighteen hundred and forty-two.

Sec. 2. *And be it enacted*, That the principal money so received by the said Maria Fraser, shall be held by her for the benefit of the heirs of the said John Fraser, deceased, and descend as real estate, and the said Maria shall account for the said money the same as all other monies received by her from the said estate as guardian. To account
for monies
received.

Sec. 3. *And be it enacted*, That the said Maria Fraser shall, before executing said deed, enter into bond with sufficient security to the Governor of this state, which bond shall be approved by the Surrogate of the county of Hudson, and filed in his office. To give bond..

Passed. March 8, 1844.

AN ACT in aid of, and to confirm certain conveyances agreed to be made by Thomas C. Doremus, David Banks, and Bern W. Budd, in execution of a trust therein named:

WHEREAS, it is represented to the legislature that John Budd and Sarah his wife, afterwards the wife of John Scott, all formerly of the county of Morris, now deceased, were seized in fee of a tract of land in said county of Morris, containing sixteen hundred and eighty acres more or less, formerly known by the name of the Budd or long valley tract; but at this time called the Dutch or German Valley tract; which tract of land by divers descents, devises and conveyances became vested in fee in the heirs and descendents of the said John Budd and Sarah Scott, or one or both of them, which heirs and descendents by several deeds of conveyance, granted and conveyed to William S. Pennington, esquire, of the county of Essex, all their estate, right, title and interest, in and to the said tract of land in trust, to dispose of the same for their mutual benefit, according to the proportions and provisions set forth and contained in said deeds of conveyance, as by reference thereto will more fully appear:—and whereas, it is further represented to the legislature, that the said William S. Pennington, hath since Preamble.

died without having executed the said trust, and that thereby the title of said tract of land descended to one James A. Pennington, his heir at common law:—and whereas, it is further represented that the said James A. Pennington, by the request of the aforesaid heirs and descendants, by his deed bearing date the thirteenth day of September in the year of our Lord eighteen hundred and thirty-eight, conveyed unto Thomas C. Doremus, David Banks and Bern W. Budd, the aforesaid tract of land upon and subject to the same trusts as the same was held by the said William S. Pennington, in his lifetime:—and whereas the said Thomas C. Doremus, David Banks and Bern W. Budd, as such trustees as aforesaid, by their agreement in writing bearing date the twenty-seventh day of January, eighteen hundred and forty-four, have agreed to sell and convey the aforesaid tract of land, (except a certain farm, parcel thereof, heretofore conveyed to Aaron Howell,) to Daniel Dilts, David W. Miller, William Neighbor, Jacob Kearns, Frederick Swackhammer, David Swackhammer, William Wack, John J. Dufford, Philip Philhower, Adam Huffman, Samuel G. Huffman, George Wack, William H. Sherwood, Cornelius Voorhees, John Miller, Joseph Nevius, Ebenezer K. Sherwood, Jacob W. Neighbor, Ephraim Marsh and William Dellicker, Robert Hampton, the heirs at law of Jacob Dufford, Jacob Welsh, and Isaac Verselius, persons in the actual occupancy and possession of the same, by themselves or their tenants:—and whereas, it is further represented that the parties interested in said trust, will be greatly benefitted by the said agreement being carried into effect, but that doubts have been suggested as to the rights and power of the said Thomas C. Doremus, David Banks, and Bern W. Budd, to sell and convey the said land so as to make a complete title to the purchasers thereof and the aid of the legislature being prayed in the premises, therefore,

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the deeds of conveyance which shall be executed by the said Thomas C. Doremus, David Banks and Bern W. Budd, in pursuance of, and to the persons named in the said agreement, or to such other person or persons as they may direct, shall be valid and effectual in law, and shall be taken, held and deemed to vest in the purchasers or grantees named in such deed or deeds, their heirs and assigns, all the estate, title and interest whatsoever at law or in equity, which the said several heirs and descendants of said John Budd and Sarah his wife, afterwards Sarah Scott, or

Deeds by
trustees made
valid.

either of them, conveyed to said William S. Pennington in trust, as aforesaid or which any or either of them had at the time of the date of the respective conveyances thereof to said William S. Pennington, or which any person or persons, claiming by, from, or under them, or either of them, then had, or now have, of, in or to the said tract of land before mentioned, now known by the name of the Dutch or German Valley tract, and to every part thereof, with the remainder and remainders reversion and reversions thereof, with the appurtenances, and also, all the estate, title and interest which by the aforesaid several conveyances to said William S. Pennington, vested in him, or which by reason of his death descended to his heirs or heir at law; *provided*, that nothing herein contained shall be held to affect the title of any person or persons claiming the said tract of land or any part thereof, otherwise than under the said John Budd and Sarah Scott, formerly wife of said John Budd, or the heirs, devisees or descendants of them or of either of them. Proviso.

Passed March 8, 1844.

A further supplement to the act entitled, "An act to erect parts of the counties of Essex and Bergen, into a new county, to be called the county of Passaic, and the eastern part of the county of Gloucester, into a separate county, to be called the county of Atlantic."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That so much of the said act as provides for holding courts of common pleas, courts of general quarter sessions of the peace, and orphans' courts, in the county of Atlantic, on the fourth Tuesday of July, and the third Tuesday of December, be, and the same is hereby repealed.

Part of former act repealed.

Passed March 14, 1844.

AN ACT to authorize Robert Annett, of Fort Lee, in the township of Hackensack, to extend his wharves already erected upon and in front of his lands, further into the Hudson river, and for other purposes.

Preamble

WHEREAS, Robert Annett, of the township of Hackensack, in the county of Bergen, in this State, by his petition, hath represented that he is the owner of lands, situate at Fort Lee, in the township aforesaid, on the Hudson river, and that he hath built, at great expense, two wharves, one about thirty and the other about sixty-six feet in width, with an intervening basin of about eighty feet wide, upon and in front of his said lands, and that said wharves extend into the Hudson river a little below low water mark; and that the same are used by steam and other boats as landing places; And whereas, he hath also represented that by reason of the shallowness of the water at the eastern termini of said wharves, the landing of said boats, particularly those of the larger class, is often rendered difficult, and attended with delay; and to remove these inconveniences he is desirous to extend said wharves one hundred feet further than they now are into the Hudson river, and that the same can be done without hindering, or in any manner obstructing or interfering with the free navigation of said river; but that such extension cannot be made without a large expenditure of money and labor, and that he is unwilling to incur the same without an act of the legislature confirming to him the right to erect said wharves upon and in front of his said lands, as the same now are; and also granting to him the right to extend the same one hundred feet further into the Hudson river, or any distance within the said one hundred feet, as he may think proper, and said application being reasonable; THEREFORE,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Robert Annett, his heirs and assigns, to keep up and maintain his said wharves, as mentioned in the preamble to this act, upon and in front of his said lands, in the same manner as fully to all intents and purposes, as if an act of the legislature had been first passed, authorizing and making it lawful for him or them to build and erect the same.

R. Annett
authorized
to maintain
wharves.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said Robert Annett, his heirs and assigns, to extend said wharves one hundred feet further than they now are into the Hudson river, measuring from the easterly terminus of the same, or to any distance within the said one hundred feet, at his or their election, and to keep up and maintain the same when so extended; and also to build and erect, keep up and maintain other wharves, if he or they shall think proper to do so, upon and in front of said lands; *Provided,* such other wharves shall not obstruct the navigation of said river. Wharves may be extended,

Sec. 3. *And be it enacted,* That if any person or persons shall in any manner or by any means injure said wharves now erected or built, and hereafter to be erected and built in pursuance of the authority granted by this act, such person or persons shall be responsible for, and make good all damages which the owner or owners of the same may sustain. Penalty for injuring wharves.

Sec. 3. *And be it enacted,* That it shall and may be lawful for the said Robert Annett, his heirs and assigns, to demand, receive and collect compensation from any person or persons using said wharves, for any purpose whatever. Compensation for use of wharves.

Passed March 9, 1844.

A further supplement to an act entitled "An act concerning executors, and the administration and distribution of intestates' estates," passed the second day of March, seventeen hundred and ninety-five.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whenever any administrator, with the will annexed, shall have died or become incapacitated before executing all the duties ordered to be performed by the executor or executors named in said will, and letters of administration, commonly called administration de bonis non, with the will annexed, have been or shall be granted to another person or persons, the said supplement to the act entitled, "An act concerning executors, and the administration and distribution of intestates' estates," shall be construed to Powers of administrators de bonis non.

extend to and vest in such administrator or administrators de bonis non, with the will annexed, and the survivors or survivor of them, the same power and authority as were given by said supplement to the first administrator, with the will annexed.

Act when to
take effect.

Sec. 2. *And be it enacted*, That this act shall go into operation immediately after the passage thereof.

Passed March 9, 1844.

AN ACT for the relief of John Hammill, of the county of Burlington.

\$50 per an-
num to be
paid to John
Hammill.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Treasurer of this State, for the time being, shall be, and he is hereby authorized and required to pay John Hammill, of the county of Burlington, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of fifty dollars per annum, to be paid to the said John Hammill, in half yearly payments, from the passing of this act, during the lifetime of the said John Hammill; the first payment to be made on the passage of this act, and the receipt of the said John Hammill, or his order, shall be a sufficient voucher to the Treasurer for such sum or sums of money, as he may pay by virtue of this act, in the settlement of his accounts.

Passed March 9, 1844.

AN ACT to authorize William T. Moore, guardian of John, Mary Ann, and Violetta Moore, to borrow money.

WHEREAS, it has been represented to the legislature that John Sarll, late of Middlesex county, died seized of certain real estate in Woodbridge, in said county, leaving him surviving, his widow, also several brothers and sisters, his heirs at law, and that Mary Moore, one of the sisters has also died, leaving three infant children, John, Mary Ann, and Violetta, her heirs at law, and that guardianship of the said children, has been granted to their father William T. Moore, and that the brothers and sisters of the said John Sarll, are about to convey to the said infants, all their interest in the said lands, and that the said widow of said John has agreed with the said guardian, to release to the said infants, her right of dower in said premises, for the sum of five hundred and fifty dollars: *And whereas*, the said guardian has by his petition prayed authority to mortgage the lands aforesaid of the said infants, to raise money to fulfil his agreement with the said widow:—therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William T. Moore, guardian of John, Mary Ann and Violetta Moore, be, and he is hereby authorized and empowered to borrow the sum of six hundred dollars to enable him to fulfil the agreement made with the said widow, and also to mortgage the lands of the said infants at Woodbridge, that may be conveyed to them as aforesaid, to secure the same.

Guardian authorized to borrow money.

Passed March 9, 1844.

SUPPLEMENT to an act entitled "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February 13th, 1828.

Mayor to be elected at town meetings. Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the inhabitants of the city of Camden, duly qualified to vote at the town meetings held in the said city, shall hereafter, at their annual town meetings, elect some fit person being a resident in said city, to be Mayor of said city, who shall hold his office for one year, and shall be eligible to re-election; and shall have the same power and authority, and be entitled to the same fees and emoluments as the Mayor heretofore appointed by the city council of said city; and in the event of a vacancy in the said office of Mayor, the city council shall appoint some fit person being a resident in said city, to fill such vacancy until the next annual town meeting.

Vacancy how supplied.

Powers and duties of city council. Sec. 2. *And be it enacted,* That the city council shall have exclusive control over all the highways, roads, streets, and alleys of said city of Camden, and shall have full power to make and pass ordinances and regulations for, grading, paving, repairing and keeping the same in repair, and may, by ordinance, compel the owners of lots to pave the side walks, under such regulations as the said city council shall deem necessary for the convenience, safety and prosperity of the people of said city.

Act when to take effect. Sec. 3. *And be it enacted,* That this act shall go into effect immediately after its passage.

Passed March 9, 1844.

AN ACT to authorize the sale of certain real estate in the county of Monmouth, whereof Revo West, died seized.

WHEREAS, John West, late of the township of Shrewsbury, in the county of Monmouth, deceased, did, in, and by his last will and testament, give, devise, and bequeath to his son, Revo West, during his natural life, certain real estate, consisting of one hundred and fifty-four acres, more or less, and after his death, to his heirs;—and whereas, the said Revo West has deceased, leaving no widow or children, but brothers and sisters, and representatives of the deceased sisters;—and whereas, the heirs and representatives aforesaid, have petitioned the legislature to pass a law appointing Elisha West, and Edmund West trustees, to sell the aforesaid real estate, and make good title or titles to the purchaser or purchasers thereof, therefore—

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Elisha West and Edmund West, be, and they are hereby appointed trustees, with free power and authority, to sell and convey the real estate aforesaid, and to execute good and sufficient conveyances therefor, to the purchaser or purchasers, and said conveyances shall vest in the grantee or grantees therein named, as good and valid a title as the said Revo West had, of, in, and to the said real estate, at or before the time of his decease.

Sec. 2. And be it enacted, That the said trustees, after deducting all proper charges, expenses, and reasonable commissions, shall divide and pay the proceeds of such sale, among the legal heirs and representatives aforesaid, according to law.

Sec. 3. And be it enacted, That before the said trustees shall proceed to make sale of the said real estate, they shall enter into bond to the Governor of this state, in such sum and with such surety as shall be approved by the surrogate of the county of Monmouth, conditioned for the faithful performance of the trust, to be filed in the office of the surrogate.

Sec. 4. And be it enacted, That the said trustees shall, within three months after the sale of the said real estate, exhibit under oath or affirmation, to the Orphans' Court in the county of Monmouth, an exact account of the amount of

sales thereof, and all costs attending the same, which account shall be settled by the said court, and the same shall be filed in the office of the surrogate.

Passed March 9, 1844.

AN ACT to divorce Catherine Abbott, from her husband,
Matthew Abbott.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Catherine Abbott, be, and she is hereby divorced from her husband, Matthew Abbott, and that the marriage contract heretofore existing between them be, and the same is hereby fully and absolutely dissolved: *Provided nevertheless,* that the issue of said marriage shall not be deemed illegitimate in consequence of this act.

Sec. 2. And be it enacted, That Catherine Abbott and Charles Abbott the two youngest children of the said Matthew Abbott and Catherine Abbott, be, and they are hereby committed during their infancy, to the care of their said mother, who shall be the guardian of said infants, persons and estate during their minority—and that the said Matthew Abbott shall not have, or exercise any power or control over his said children Catherine and Charles Abbott during their minority, for or by reason of his paternity.

Sec. 3. And be it enacted, That the said Matthew Abbott be, and he is hereby released from the civil obligation to support and maintain his said children, Catherine and Charles Abbott, which would have rested upon him in case this act had not been passed.

Passed March 9, 1844.

A further supplement to the act entitled, *An act to incorporate the city of Trenton*, passed March 7th, 1837.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the said city of Trenton shall be divided into four wards, in manner following, to wit: All that part of the said city, lying and being within the following limits and boundaries, that is to say: Beginning on the Assanpink creek, at the point where the centre of Warren street intersects the same, and running thence along the centre of Warren street to the centre of Hanover street, thence along the centre of Hanover street to the canal, thence down the canal to the north side of second street, thence along the north side of second street and a line agreeing therewith to the Assanpink creek, thence by said creek to the place of beginning, shall constitute the first ward of the city of Trenton, aforesaid. And all that part of said city contained within the following limits and boundaries, that is to say: beginning at the said point where the centre of Warren street intersects the Assanpink creek, thence along the centre of Warren street to Decou's alley, thence westwardly along the centre of said alley to the centre of Quarry street, thence along the centre of Quarry street to the feeder, thence up the feeder to the city line, and thence down said line to the place of beginning, shall constitute the second ward of the city of Trenton. And all that part of said city contained within the following limits and boundaries, that is to say, beginning in the centre of Warren street at Decou's alley, thence along the centre of Warren street to the Princeton turnpike, thence along the said turnpike to the city line, thence by the same to the northwest corner of the second ward, and place of beginning, shall constitute the third ward of the city of Trenton: And all that part of the said city contained within the following limits and boundaries, that is to say: beginning at the centre of Warren street and Hanover street, thence along the centre of Warren street to the Princeton turnpike, thence along the turnpike to the city line, thence by said line and the Assanpink creek to the corner of the first ward, shall constitute the fourth ward of said city.

Boundaries of
wards.

Time and
mode of hold-
ing elections
in the several
wards.

Sec. 2. And be it enacted, That an election by ballot shall be held annually on the second Monday in April, in each of the wards of the said city, at such place as the common council shall appoint, of which place the common council shall cause public notice in writing, to be set up in five public places in said city, and to be published in one or more of the newspapers, printed therein at least one week previous to the day of such election, at which election, one member of common council, one assessor and one collector, one constable, one school commit-
man, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, and one judge of election to act with the assessor, and collector, shall be annually chosen in each of said wards from among the citizens residing therein, and entitled to vote at such elections, the poll of such elections shall be opened at ten o'clock in the forenoon and closed at four o'clock in the afternoon, the judge of election, assessor and collector shall be the judges of the said elections, and in the case of the absence, death, disability or refusal to serve of either of the judges, such vacancy or vacancies shall be supplied in the manner prescribed by law, for supplying such vacancies in the several townships of this state, the name of each elector, voting at such election shall be written in a poll list to be kept at such election by the clerk of the ward as now constituted, and after the poll shall be closed, the said judges shall count the votes given for the several candidates, and certify the result under their hands and deliver such certificates to the clerk of the ward, who shall file and preserve the same, and within five days after such election, deliver a copy thereof to the clerk of the said city to be by him filed and preserved in his office, and the persons having the greatest number of votes shall be decreed to be elected to the offices for which they shall have been voted for respectively.

Officers to be
chosen at
said elections

Sec. 3. And be it enacted, That at the said ward elections to be annually held as aforesaid, there shall be chosen by the electors of said city, from among the citizens residing therein and entitled to vote at such election, one person to be mayor, one person to be recorder, three persons to be aldermen, one person to be clerk, and one or more overseer or overseers of the poor, and there shall be chosen by the said electors from among the freeholders and inhabitants of said city two chosen freeholders and two surveyors of the highways, that the officers conducting such elections, shall in manner aforesaid, proceed to

count the votes received, and certify the votes given for each candidate, for the offices aforesaid, respectively, which certificate shall be delivered within three days after such election to the clerk of the said city, who calling to his assistance a majority of the aldermen of the said city, shall proceed to count the votes given in the several wards, and shall thereupon ascertain and declare who are elected by the greatest number of votes, to the respective offices mentioned in this section, and the said clerk and aldermen shall make a certificate thereof, and file the same in the office of the said clerk.

Sec. 4. *And be it enacted* That all elections hereafter to be held in the said city for members of the legislative council and general assembly, sheriff and coroners of the county of Mercer, and for members of Congress and electors of President and Vice President of the United States, or for any other officers of the general or state governments that may be eligible by the people, shall be held in the several wards of the said city, at the place therein appointed by the common council for holding the city elections on the day or days, which now are, or hereafter may be designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of this state, and the judge and inspectors of election before mentioned shall preside at and conduct all such elections, and the clerks of said wards shall be clerks of such elections in their respective wards, every person in said city, entitled to vote at such election, shall give his vote in the ward wherein he actually resides at the time of such election and not elsewhere, and in case any person, at any election whatever, held in said city, shall vote or offer his vote in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the seventh section of the act entitled, "A supplement to the act entitled, 'An act to regulate the election of members of the legislative council and general assembly, sheriff and coroners of this state,'" passed the first day of June in the year of our Lord one thousand eight hundred and twenty, to be sued for and recovered in the name of the clerk of the ward where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Elections for
Electors, &c.,
how to be
conducted.

Sec. 5. *And be it enacted,* That the said judges of election shall take the same oath and conduct such elections, and make returns thereof in the same manner as township officers of elections, are, or may be by law re-

Judges to
take an oath.

quired to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the township of this State are, or may be by law vested with, allowed, or subject to, and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections, at any election provided for by this act, such vacancy or vacancies, shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state and the clerks of the said wards respectively shall procure election boxes for the use of their wards in such manner and of such descriptions, as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject for neglecting to procure such boxes and keep them in repair.

Clerk of
Mercer to
transmit co-
pies of part
of Act, &c., to
ward clerks.

Sec. 6. *And be it enacted*, That the clerk of the county of Mercer, shall transmit to the clerk of each of the said wards printed copies of the seventh and eleventh sections of the act mentioned in the fourth section of this act, together with a list of nominations, within the same time and in the same manner as he is or may be by law required, to transmit the same to township clerks, which ward clerks shall severally advertise the said elections, and put up such copies and lists of nominations in the manner in which the clerks of townships are required by law to advertise and put up the same.

Common
Council to
grant tavern
licenses.

Sec. 7. *And be it enacted*, That the said common council or a majority of them, in council assembled shall and may grant licences annually, under the common seal of said city, to such and so many tavern keepers, victuallers and retailers of spirituous liquors as they may think necessary within the said city, on such terms and under such limitations, regulations and restrictions as the said common council shall by their ordinance impose, and no other license for such purpose, within the said city, granted by any other authority shall be lawful.

Part of for-
mer acts
repealed.

Sec. 8. *And be it enacted*, That all acts and parts of acts repugnant to the provisions of this act, be and the same are hereby repealed, and that this act shall go into effect immediately upon the passage thereof.

Passed March 9, 1844.

A FURTHER SUPPLEMENT to the act entitled, "An Act securing to mechanics and others, payment for their labour and material, in erecting any house or other building within the limits therein mentioned," passed March 3, 1835.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act to which this is a supplement shall be taken and considered as a public act, and the provisions thereof shall be in full force and effect within the limits of the town of Mount Holly, and for the space of one mile from the Court House in said town, in the township of Northampton, in the county of Burlington, and State of New Jersey; *Provided always*, that this supplement shall not go into effect until the first day of April next.

Provisions of former act, extended.

Proviso.

Passed March, 7, 1844.

AN ACT to annex a part of the township of Franklin, in the county of Bergen, to the township of Washington, in said county.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all that part of the township of Franklin, in the county of Bergen, lying east of the Saddle River Creek, in said township, be, and the same is hereby set off and annexed to the township of Washington, in said county.

Part of Franklin annexed to Washington.

Sec. 2. And be it enacted, That this act shall take effect, and go into operation from and immediately after its passage.

Act when to take effect.

Passed March 13, 1844.

AN ACT to incorporate the Morris, Sussex and Warren Rail Road and Transportation Company.

Names of incorporators. **Style of incorporation.** **General powers.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That* Stephen Vail, William N. Wood, Edwin Post, William Coventry, H. Waddell, Samuel R. Brooks, Elijah D. Scott, Frederick Canfield, Samuel F. Righter, Henry McFarlan, George Vail and John M. Losey, and such other persons as may hereafter be associated with them; and their successors be, and they are hereby ordained, constituted, and declared to be a body politic and corporate, in fact, name and law, by the name of the "Morris, Sussex and Warren Rail Road and Transportation Company," and by that name they and their successors and assigns, shall and may have continual succession, and shall be capable in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, taking, holding and conveying any lauds, tenements, goods and chattles whatsoever, necessary or expedient, to carry into effect the objects of this incorporation.

Amount of capital stock.

Sec. 2. *And be it enacted.* That the capital stock of the said company shall be five hundred thousand dollars, with liberty to increase the same to two millions of dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferrable on the books of the said company, in such manner as the said corporation shall by their by-laws direct.

Books to be opened for subscription to capital stock.

Sec. 3. *And be it enacted,* That the above named persons or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and places, as they or a majority of them may deem proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers printed in Morris, Sussex and Warren counties, and also in a paper printed in New York; and that the said books shall be kept open as long as the said persons or a majority of them shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion

the stock to the subscribers, as they may deem expedient and conducive to the object of the incorporation.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when fifty thousand dollars of the stock is subscribed for, and the books closed and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose eleven directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors, for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors, shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number, a president, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the said board of directors or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Time and
mode of elec-
tion for direct
ors.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed dissolved, but such election may be held at any subsequent time, upon notice given for that purpose; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation
not to be dis-
solved for
failure to
elect on day
prescribed.

Sec. 6. *And be it enacted*, That seven directors of said corporation shall be a quorum of the board of directors, compe-

**Powers and
duties of
directors.**

tent to transact all business of the said corporation, and they shall have power, giving notice thereof as aforesaid, to call in the capital stock of said company, by such instalments and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares on which such default shall arise, and to make and prescribe such by-laws, rules and regulations, touching the management and regulation of the stock, property, estate and effects of the said corporation and transaction of their business, as to them shall appear needful and proper, not repugnant to the laws of this State, or the United States; and also to appoint a secretary, treasurer, and such and so many clerks, agents and servants, as to them shall seem meet and proper, and to establish and fix such salaries or compensation for services to them, and also to the president, as to the board of directors shall appear proper; *provided*, that not over one-tenth of the capital stock be required to be paid in at one instalment, and such instalments be not required at shorter periods than ninety days from each other.

**Company
authorized to
construct rail
road.**

Location.

**Directors, &c
may enter
upon lands.**

Sec. 7. And be it enacted, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a rail road or lateral roads, commencing at some point at or near Morristown, and terminating at any point or place on the Delaware river, at or above Philipsburg, in the county of Warren, which rail road and branches shall be constructed not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors of said company, their agents, engineers, superintendents and others in their employ, at all times to enter upon all lands and waters, for the purpose of exploring, surveying, levelling and laying out the route or routes of such rail road or lateral roads, and of locating the same; and to do, make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road or lateral roads shall have been determined on, and a survey of such route or routes, deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, engineers, agents, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, use and occupy such lands and waters, and to excavate and erect embankments, build bridges, erect walls, lay rails, and do all other works necessary or suitable for the erection, completion and repair of said road or branches, and to enter into any lands

adjacent or near to the route of said road or branches, and search for and take sand, gravel and stone, if necessary, for the erection or repair thereof, subject to such compensation to the owners of such lands, waters or materials, as is hereinafter provided: *provided always*, that payment, or tender of the payment of all damages, for the occupation of lands through which the said said rail road or branches thereof may be laid out, be made before the said company, or any person in their employment, or under their direction, shall enter upon, or break ground in the premises, except for the purpose of surveying and laying out said road or branches, or searching for sand, gravel or stone, unless the consent of the owner or owners of such lands be first had and obtained. Proviso.

Sec. 8. *And be it enacted*, That when the company or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required, for the use of said company; in the construction or repairs of said road, shall be given in writing under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners if known, and their residence if the same can be ascertained, to one of the justices of the Supreme Court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and resident in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three judicious, impartial and disinterested freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners, to examine and appraise the said land or materials, and to assess the damages; but if a resident of the state then the parties each to choose one Commissioner, and they two to choose a third who together shall assess the damages; the said commissioners are also directed and required to assess the damages which any individual may sustain by the said road, arising from the removing, making and maintaining the fencing on the line of the said route, through any improved lands through which the same may run, upon such notice to be given to the persons interested, as shall be directed by the justice making such Proceedings in case company and owners of lands cannot agree, &c.

appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, "faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding," to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisal of the value of the said lands or materials, and assessment of the damages sustained by the owner or owners thereof, by reason of the taking the same for the use of the company, which shall be paid by the company for such lands or materials, or damages aforesaid; and the said commissioners shall make a report in writing, under their hands or the hands of any two of them of the value of said lands, materials and damages, which report shall, within ten days thereafter, be filed, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmation aforesaid in the clerk's office of the county in which the said lands or materials are situate, to remain of record therein; and the said report, or a copy thereof certified by the clerk of the said county, shall at all times upon depositing double the amount of damages in the hands of the county collector to be held as security for the payment of any amount which may be assessed, and upon compliance of which may be considered plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said lands or materials, and of the right of the said owner or owners to recover the amount of the said valuation and assessment, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and until the same be paid, shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the Supreme Court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justices of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he or they shall think equitable and right, which costs shall be paid by the said company.

Parties dissatisfied may have trial by jury.

Sec. 9. And be it enacted. That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the

supreme court, at the next term after the filing of the said report, the said court shall have power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of said matter in controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials in question to be had, and the said issue to be tried at the next circuit court, to be holden in the said county, in the same manner as other issues in fact are tried in said court, upon twenty days notice of trial, and six days notice of the view being given by either party to the other; and upon such trial, it shall be the duty of the said jury to assess the value of the said lands or materials, and damages sustained, by reason of the taking thereof as aforesaid; and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution be awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the said commissioners have awarded, then the costs shall be paid by the applicant or applicants, and deducted out of the sum so found by the jury, or execution awarded therefor, as the court shall direct; *provided*, that such application for an issue shall not prevent the said company from taking and using the said lands or materials, upon the filing of the said report and tender of the sum awarded by the commissioners, after depositing double the amount in the hands of the County collector as directed in the eighth section of this act.

Jury to assess damages.

Proviso.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said rail road or roads, where any public or other road shall cross the same, or so that the passage of carriages, horses and cattle on said road or roads shall not be impeded thereby; and also where the said road or roads shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that they may pass and re-pass the same.

Company to make and repair bridges, &c.

Sec. 11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with funds of the company, and to place and use on any rail road constructed by them, all such machines, engines, carriages, wagons, or vehicles, for the transportation of persons or property thereon, as they shall think proper and expedient, and to charge, take, and receive compensation for the transportation of persons or property on said road or roads; *provided*, they shall not charge more than at the rate of six

Rates for passages and transportation.

cents per mile per ton for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said road or roads in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said road or roads, in the carriages of others, and three cents per mile for each empty carriage; and the said rail road or roads and their appendages, and the lands over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby invested in the said company, incorporated by this act, and their successors and assigns, during the continuance of this act.

Dividends to be made semi-annually.

Sec. 12. *And be it enacted*, That the president and directors of the said company shall, within one year after the said rail road shall have been completed, declare and make such dividend of the nett profits thereof among the stockholders as they may deem prudent, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, or their legal representatives, in proportion to the amount of stock held by them respectively as they may deem proper.

Penalty for injuring or obstructing road.

Sec. 13. *And be it enacted*, That if any person or persons shall wilfully injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending, shall forfeit and pay the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction; and further, shall be liable for all damages sustained.

What real estate may be held.

Sec. 14. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road or roads, and other places along the same, not exceeding two acres at each place, and may erect and build thereon, ware houses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; *Provided*, that if it should be necessary to use stationary power on any part of the line of said rail road, and water power can be advantageously used therefor, then it may be lawful for said company to have and hold so much additional land and real estate as may be necessary and useful in constructing the same; and also to make the necessary embankments, reservoirs, aqueducts, and other works necessary to create such power thereon.

Provide.

Sec. 15. *And be it enacted,* That the said road or roads, authorized by this act, be, and the same are hereby declared to be public highways, and shall be constructed with a track, for one or more horses, and free for the passage of any rail road carriage thereon, with passengers or property, upon the payment of the tolls prescribed by this act; *provided always,* that the said carriages so used thereon, shall be of the same description in the formation of the wheels and length of the axle, as those used by the company, and shall be so regulated as to the times of starting, and speed of travelling, as not to interfere with the carriages of the company.

Rail road a public highway.

Sec. 16. *And be it enacted,* That in case the said road or roads shall not be commenced within five years, and completed within fifteen years from the passage of this act, then and in that case, this act shall be null and void; and that the president or treasurer of said company shall, within one year after the completion of the said road or roads, file in the office of the Secretary of this State, under oath or affirmation, a statement of the whole cost and expenses of the said road or roads and appendages; and annually thereafter a statement of the nett proceeds thereof; and whenever the annual nett proceeds of the said road shall amount to seven per centum per annum upon the cost of the said road or roads with their appendages, the said company shall pay to the treasurer of this State, the one-half of one per cent. per annum on the said cost, to be paid on the first Monday in January in each year; *provided,* that no other tax or impost for the use of this State, but this exemption shall not extend to or include taxes for township and county purposes, shall be levied or assessed upon said company.

Rail road when to be completed.

Statement of costs to be filed.

Sec. 17. *And be it enacted,* That the said company shall be required to make, put up and keep in repair, good and lawful fences on both sides of said rail road, wherever the same shall pass over, and be laid out on any farm or lands, from the commencement of said route to its termination.

Company to make fences.

Sec. 18. *And be it enacted,* That this act shall be deemed and taken as a public act, and recognized as such at all times and in all courts and places whatever.

Act to be deemed a public act.

Sec. 19. *And be it enacted,* That this act shall take effect from and after the passage thereof, and shall continue in force for the space of thirty years; *Provided* that the Legislature may at any time alter, modify or repeal the same whenever the public good shall require it.

Act when to take effect.

Passed March 13, 1844.

A further supplement to the act entitled "An act for the better regulation of actions of replevin," passed the 19th of March, 1795.

No costs in judgment by default.

Sec. 1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in all actions of replevin, where the defendant or defendants do not appear or make defence, but suffer judgment to be entered by default, the property having been re-delivered, there shall be no judgment rendered for damages or costs; and the plaintiff in such action, may be at liberty to suggest that fact upon the record, and enter a discontinuance of his said action, without costs, except in case of demand being made in writing, prior to the commencement of the action, the defendant shall have refused to make deliverence of the property.

Costs in original action part of damages.

Sec. 2. And be it enacted, That in all actions upon replevin bonds, it shall be the duty of the court, or jury, as the case may be, to include the costs taxed in the original action, as part of the damages to be assessed therein, independent of the amount ascertained to be due to the landlord or other defendant in the original action, upon which, judgment may be rendered and execution issued accordingly.

Act when to take effect.

Sec. 3. And be it enacted, That this act shall take effect and have operation immediately after the passage of the same.

Passed March 11, 1844.

A SUPPLEMENT to the act entitled "An act to prescribe the time and manner of holding elections for representatives in Congress from this state," passed November 10th, 1842.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the author-

ity of the same, That this state shall be divided into five districts for the election of members of the house of representatives, and that the counties of Cape May, Cumberland, Salem, Gloucester and Atlantic, shall compose one district, to be called "The First District;" the counties of Burlington and Monmouth, shall compose one district, to be called "The Second District;" the counties of Mercer, Hunterdon, Somerset and Middlesex, shall compose one district, to be called "The Third District;" the counties of Warren, Sussex and Morris, shall compose one district, to be called "The Fourth District;" and the counties of Essex, Hudson, Bergen and Passaic, shall compose one district, to be called "The Fifth District;" each of which districts shall elect one person to represent this state in the house of representatives of the United States.

Congressional districts.

Sec. 2. *And be it enacted,* That the first section of the act to which this is a supplement, be, and the same is hereby repealed.

Part of former act repealed.

Passed March 12, 1844.

A SUPPLEMENT to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the 21st of February, 1798.

Sec 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the members of the township committee of the several townships of this state, shall hereafter be allowed and paid one-dollar per day each, and the clerk of the several townships as aforesaid shall be allowed and paid one dollar and fifty cents per day, by their respective townships, for the services rendered in performing their several township duties required of them by law.

Pay of township Committee and clerks

Sec. 2. *And be it enacted,* That this act shall go into effect immediately after the passage thereof.

Act when to take effect.

Passed March 12, 1844.

AN ACT to prevent and punish frauds by public officers.

Penalty for misdemeanor. Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person holding an office of trust and profit, under the authority of this State, shall hereafter embezzle any of the money, property or securities, committed to his keeping, with intent to defraud the State, or any county thereof, any city borough, township, body corporate, any person or persons, or shall fraudulently dispose of the same, he shall be deemed guilty of a high misdemeanor; and upon conviction thereof, shall be liable to a fine not exceeding five thousand dollars, or imprisonment at hard labor not exceeding five years, or both, at the discretion of the court before whom such conviction shall be had.

Transfers of property by officers guilty of fraud, to be void. Sec. 2. *And be it enacted,* That from and after the passing of this act, all conveyances and transfers of property, whether real or personal, made by any person holding, or who has held, any office of trust and profit, under the authority of this State, and who, while such officer, embezzled any of the money, property, or securities committed to his keeping, with intent to defraud the State or any county thereof, any city borough, township, body corporate, or any person or persons or fraudulently disposed of the same, and all mortgages and liens by judgments confessed, or other liens upon said property, voluntarily given by such officer, whether upon valuable consideration or not, shall be deemed as against this State, to be fraudulent and void in law; *Provided,* that nothing in this act contained, shall be taken to effect the rights of an innocent bona fide purchaser, mortgagee, or judgment creditor, for full value, without notice, that said officer has so embezzled, or made such fraudulent disposition of money, property or securities, committed to his keeping, as aforesaid.

Proviso.

Act when to take effect. Sec. 3. *And be it enacted,* That this act shall go into effect immediately after the passage thereof,
 Passed March 12, 1844.

A SUPPLEMENT to the act entitled "An act respecting apprentices and servants."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That no indenture heretofore made in pursuance of the act to which this is a supplement, shall be adjudged or held to be void, merely for that such indenture is made to several persons constituting a firm or co-partnership, but that all such indentures, being in other respects legal, shall be deemed and held valid and effectual in law; *Provided* nevertheless, that nothing herein contained shall be so construed as to render valid any indenture of apprenticeship made to any incorporate company.

Indentures to plurality of masters made valid.

Sec. 2. *And be it enacted,* That in all cases of an indenture under and in pursuance of the act aforesaid, whereby an apprentice or servant is bound to serve several persons, constituting a firm or co-partnership, and one or more of such persons, shall die before the expiration of the term of apprenticeship or service mentioned in any such indenture, then that the covenants and agreements contained therein, on the part of the parent or guardian of such apprentice or servant, and on the part of such apprentice or servant, shall accrue and be performed to the survivors or survivor, and such survivors or survivor shall perform and fulfil to the apprentice or servant, all the covenants and agreements contained in any such indenture, on the part of the persons to whom such apprentice shall be bound, to be performed, fulfilled and kept.

Indentures not void on death of one of masters.

Sec. 3. *And be it enacted,* That this act shall take effect immediately upon the passage thereof.

Act when to take effect.

Passed March 12, 1844.

A SUPPLEMENT to an act entitled "An Act for the better regulation of actions of replevin, passed March nineteenth, seventeen hundred and ninety-five."

Jury to determine how costs are to be paid.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all actions of replevin, for goods and chattles taken in distress, hereafter to be brought in any of the courts of this State, the jury trying the same, or to whom the question of damages shall be submitted, shall determine by their verdict whether the plaintiff or defendant shall pay the costs of the suit, or whether each party shall pay his own costs.

Act when to take effect.

Sec. 2. *And be it enacted*, That this act shall go into operation immediately after the passage thereof.

Passed March 13, 1844.

AN ACT to divorce Eleanor Boyle, from her husband, John Boyle.

Eleanor, and John Boyle divorced.

Provide.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Eleanor Boyle of the county of Monmouth, be, and she is hereby divorced from her husband, John Boyle, and that the marriage contract, heretofore existing between them, be, and the same is hereby absolutely dissolved; *provided*, however, that nothing herein contained shall be construed or taken to render the issue of said marriage illegitimate.

Passed March 13, 1844.

AN ACT to repeal so much of the act entitled, "An act to establish three new townships in the county of Warren, to be called the townships of Hope, Franklin and Harmony; and also to annex a part of the township of Knowlton to the township of Oxford, in said county," passed February fifteen, eighteen hundred and thirty-nine, as relates to the township of Knowlton.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the sixth section of the act entitled

"An act to establish three new townships in the county of Warren, to be called the townships of Hope, Franklin and Harmony, and also to annex a part of the township of Knowlton to the township of Oxford, in said county," passed February fifteenth, eighteen hundred and thirty-nine, be, and the same is hereby repealed.

Passed March 13, 1844.

AN ACT to dissolve the marriage contract between Eli Farrow, of Gloucester county, and his wife Ann.

Sec. 1: BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract between Eli Farrow, of Gloucester county, and Ann, his wife, be, and the same is hereby dissolved, as fully and to all intents and purposes, as if they had never been joined together in matrimony.

Eli and Ann
Farrow di-
vorced.

Passed March 13, 1844.

AN ACT to repeal so much of the act entitled "An Act to authorise the inhabitants of the townships of Westfield, New Providence, Rahway and Caldwell in the county of Essex, to vote by ballot at their township meeting, passed February 20th, 1841," as relates to, or is binding upon the inhabitants of the township of Rahway, in the county of Essex, and for other purposes.

Part of former act repealed.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the act entitled "An act to authorise the inhabitants of the townships of Westfield, New Providence, Rahway and Caldwell, in the county of Essex, to vote by ballot at their township meetings," as relates to or is binding upon the inhabitants of the township of Rahway in the county of Essex, and so much of the act entitled "An act to authorise the inhabitants of the township of Union in the county of Essex, and the inhabitants of the township of Tewksbury in the county of Hunterdon, to vote by ballot at their annual town meetings, passed 24th February, 1843," as relates to or is binding upon the inhabitants of the township of Tewksbury aforesaid, be, and the same is hereby repealed.

Act when to take effect.

SEC. 2. *And be it enacted,* That this act shall take effect immediately on the passage thereof.

Passed March 13, 1844.

A further supplement to the act entitled "An act relative to juries and verdicts."

Each party entitled to challenge 6 Jurors.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That upon the trial of any issue in any civil suit or action, in any court of this state, except as hereinafter mentioned, each party shall be entitled to challenge

peremptorily, as their names are drawn from the box, six of the general panel of jurors summoned and returned by the sheriff or other officer; and upon the trial of any indictment where peremptory challenges are not now allowed, the defendant or defendants shall be entitled to challenge peremptorily as their names are drawn from the box, six of the general panel of jurors summoned and returned by the sheriff or other officer; and upon such challenge being made, in any case, the drawing of jurors shall continue until the names of twelve jurors not thus challenged shall be drawn.

Sec. 2. *And be it enacted*, That this act shall not extend to, or have operation in the courts for the trial of small causes, and other cases before justices of the peace..

Act not to have operation in courts for trial of small causes.

Sec. 3. *And be it enacted*, That the party applying for a struck jury, shall pay the fees for striking the same, and also pay each juror, sworn or affirmed, seventy-five cents each per day, during the time they are engaged in trying the cause and shall have no allowance therefor, upon taxation of costs; *Provided*, that this section shall not extend to, or effect juries of view.

Struck Juries

Sec. 4. *And be it enacted*, That this act shall take effect immediately after the passage of the same.

Act when to take effect.

Passed March 13, 1844.



AN ACT to erect a part of the county of Gloucester into a new county, to be called the county of Camden.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the seven townships of Camden, Waterford, Newton, Union, Delaware, Gloucester, and Washington, now composing a part of the county of Gloucester, be, and the said townships are hereby erected into a separate county, named, and hereafter to be called the county of Camden, and the inhabitants of each and every of the said townships respectively shall be and they and each of them are hereby vested with, entitled unto, and hereby authorized to exercise and enjoy all the franchises, powers, privileges, immunities and authority, and shall be, and hereby are made

County of Camden established.

Inhabitants
incorporated
and style of
incorporation

subject to all the rules, regulations and government which the other townships in this state by law are entitled and subject to, and the inhabitants of the said seven townships, are hereby incorporated and declared a body politic in law, that is to say the inhabitants of the township of Camden, shall be and hereby are styled and known by the name of the inhabitants of the township of Camden, in the county of Camden; the inhabitants of the township of Waterford, shall be, and hereby are styled, and known by the name of the inhabitants of the township of Waterford in the county of Camden; the inhabitants of the township of Newton shall be, and hereby are styled and known, by the name of the inhabitants of the township of Newton, in the county of Camden: the inhabitants of the township of Union shall be, and hereby are styled and known by the name of the inhabitants of the township of Union in the county of Camden: the inhabitants of the township of Delaware, shall be and hereby are styled and known by the name of the inhabitants of the township of Delaware in the county of Camden: the inhabitants of the township of Gloucester, shall be and hereby are styled and known by the name of the inhabitants of the township of Gloucester, in the county of Camden: the inhabitants of the township of Washington, shall be, and hereby are styled and known by the name of the inhabitants of the township of Washington, in the county of Camden.

When officers
of Camden
county to
have jurisdiction

Sec. 3. *And be it enacted*, That the judges and justices of the peace and all other county officers, except the clerk, surrogate and prosecutor of the pleas, within the said townships, hereby erected, into a new county, shall continue to hold, exercise and enjoy their several and respective offices and appointments within the present limits of the said county of Gloucester, with all the powers and privileges thereunto belonging, until the ninth day of April next, and all courts at the time of the passing of this act existing and being within the present limits of said county of Gloucester, shall continue to have and exercise, respectively, jurisdiction within the same, until said ninth day of April next in the same manner as if this act had not passed, and from and after the ninth day of April next, and until their respective terms of office in and for the county of Gloucester, shall expire, all persons in office at the time of passing this act, resident within the bounds of the said county of Camden, and every of them shall hold, exercise and enjoy their respective offices, with all the power, authority, privileges and emoluments thereunto belonging, within the said county of Camden as fully and effectually to all intents and purposes as if they had been elected and appointed to their said offices respectively within

the said county of Camden: *Provided however*, that all Previous such county officers shall file an oath of office with the clerk of said county of Camden, on or before the said ninth day of April next.

Sec. 3. *And be it enacted*, That all actions, suits, appeals, Suits depending not to be affected. prosecutions and other legal proceedings commenced or that may be commenced or depending in the supreme court or in any court, or before any justice of the peace, within the former limits of the said county of Gloucester, before the ninth day of April next, shall not in any wise be affected by this act; but the same may and shall be continued and prosecuted in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding.

Sec. 4. *And be it enacted*, That from and after the ninth day of March instant, the sheriff of the county of Gloucester, or his deputy shall execute all process to him directed in the said county of Camden, and in case of the disability of the said sheriff the coroners of the said county of Gloucester shall execute all such writs and process, and shall make return of all such writs and process in the courts to which they are made returnable, and shall continue to act and be responsible in his or their official capacities until the next annual election in the said county of Camden. Sheriff of Gloucester to execute process, &c., in Camden.

Sec. 5. *And be it enacted*, That the jail of the city of Camden is hereby constituted the jail of the said county of Camden, and for the confinement of all prisoners of the said county of Camden, and after the sixteenth day of March, instant, it shall be lawful for all officers of the said county of Camden to commit offenders to the city jail of the said city of Camden, until otherwise ordered as hereinafter provided. County jail.

Sec. 6. *And be it enacted*, That the first town meetings in the said county of Camden shall be held at the times and places they would have been held had they continued in the county of Gloucester, and they shall hereafter be held annually at such places in the said townships as the electors thereof from time to time shall direct and appoint by virtue of the existing laws of this state. Town meetings where held.

Sec. 7. *And be it enacted*, That William B. Cooper, Isaac Hinchman and Joseph Saunders, or any two of them be, and they are hereby appointed commissioners on the part of the county of Gloucester, and that John W. Mickle, John K. Cowperthwait and Joseph C. Collings, or any two of them, be, and they are hereby appointed commissioners on the part of the county of Camden, to attend at the court house in the county of Gloucester on the sixteenth day of March instant, Commissioners to fix quota of tax and divide property, &c.

at the hour of ten o'clock in the forenoon of that day, and after taking an oath or affirmation before some justice of the peace of the said county of Gloucester, to faithfully, honestly and impartially perform the trust reposed in them by this act shall call before them the county collector of the county of Gloucester, whose duty it shall be to furnish the said commissioners with the abstract of the quotas of the tax fixed by the assessors of the said county of Gloucester, at their last stated meeting, and the said commissioners when met shall make out a true statement of the quota of state tax as adjusted the last year, and shall in that proportion or ratio fix the quota of tax to be levied and collected in each township the present year for the State, and the said commissioners shall also settle with the said collector for all county moneys which may remain in his hands and shall value the buildings at Woodbury, and other property belonging to the county of Gloucester including the surplus revenue and the said commissioners for the county of Camden shall receive from the county collector of said county of Gloucester whose duty it shall be to pay the same to them, or to deliver bonds and mortgages for a portion thereof if he has not money sufficient, the proportion that will belong to the county of Camden, according to the ratio of population fixed by the last census of the United States, also their proportion of the value of the public buildings, surplus revenue and other public property after making an equitable deduction of any debts which may be due by said county of Gloucester, and it shall be the duty of the said commissioners respectively to lay before the board of chosen freeholders of each county at their annual meeting in May next a statement of the valuation made by them of the public buildings at Woodbury, the surplus revenue and other public property, also the settlement aforesaid which settlement shall form the quota of state tax for each county for the present year, and the said commissioners shall receive two dollars per day for their services while engaged in making such settlement to be paid by the county collector of the county of Gloucester.

Chosen free-
holders of
townships in-
corporated.

Sec. 8. *And be it enacted,* That the chosen freeholders of the several townships of the county of Camden, shall be and they are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The Board of Chosen Freeholders of the County of Camden," and the said board shall have, hold, use and enjoy the like rights, powers and authority, and be subject to like rules and penalties as the Board of Chosen Freeholders of the other counties of this State are entitled and subject to, according to the existing laws of this State, and the said board of chosen free-

holders of the said county of Camden, shall meet at the court house of the city of Camden, on the day appointed by law, for the next annual meeting of the board of chosen freeholders in the other counties in this State, and afterwards, annually at the same place at such times and under such regulations as the other boards of the other counties in this State.

Sec. 9. *And be it enacted*, That the circuit courts, courts of common pleas, quarter sessions of the peace, orphans' court, and courts of oyer and terminer, shall be held in, and for the county of Camden, at the court house in Camden, until otherwise ordered as hereinafter provided, on the fourth Tuesday in March, the fourth Tuesday in June, the fourth Tuesday in September, and the third Tuesday in December annually.

Sec. 10. *And be it enacted*, That all judgments already, or that hereafter may be obtained in the said county of Gloucester, upon any action, suit, or proceedings actually commenced or depending, before the sixteenth day of March instant, shall be deemed, esteemed and taken to be of the same force and effect, within the present bounds of the said county of Gloucester, as if this act had not been passed; and writs of execution or other legal process may be issued thereon, directed to the sheriff or other legal officer of the county of Gloucester, who are hereby authorized and directed to execute the same, within the limits of the county of Camden, as fully as if this act had not passed, and all writs of scire facias may issue, as by law allowed in other cases.

Sec. 11. *And be it enacted*, That the militia of the said county of Camden, shall form a separate brigade, to be called the "Camden Brigade," and the militia of the county of Gloucester shall form a separate brigade, to be called the "Gloucester Brigade," and the said Camden and Gloucester brigades shall be severally attached to the first division of the militia of this state.

Sec. 12. *And be it enacted*, That the board of chosen freeholders of said county of Camden, shall, upon the call of the director of the board, or upon their own adjournments, from time to time, as occasion may require, meet together at Camden, or such other places as they may appoint.

Sec. 13. *And be it enacted*, That until a sheriff shall be elected at the next annual election for the said county of Camden, and shall enter upon the duties of his office, it shall be the duty of the sheriff of the county of Gloucester, or in case of his disability, of the coroners of said county to sum-

mon according to law, the grand jurors of the said county of Camden, and also, to select the necessary number of jurors, to serve as such in the said county of Camden, to be empanelled in the manner prescribed by law.

Representa-
tion in Coun-
cil & Assem-
bly.

Sec. 14. *And be it enacted*, That the said county of Camden shall have and enjoy all the jurisdiction, powers, privileges, liberties and immunities which any other county in this state doth or may enjoy; and the said county of Camden shall elect one member to represent the said county in the legislative council of this state, and two members to represent said county in the general assembly of this state, and the county of Gloucester shall hereafter elect one member to represent the said county in the legislative council of this state, and two members to represent said county in the general assembly of this state.

Clerk, Surro-
gate &c. when
to enter upon
duties of
office.

Sec. 15. *And be it enacted*, That this act shall take effect from and after the passage thereof, and it shall and may be lawful for the joint meeting at any time after the passing of this act, to appoint a clerk, surrogate, prosecutor of the pleas, and all other necessary and proper officers of the said county of Camden, who shall enter upon the duties of their respective offices upon taking the oaths of office.

Clerk and
Surrogate to
give bond.

Sec. 16. *And be it enacted*, That it shall be lawful for the clerk and surrogate of said county of Camden, to submit their official bonds to one of the justices of the supreme court, and to take and subscribe their respective oaths or affirmations of office before said justice of the supreme court, which said justice of the supreme court may receive such bonds as he shall approve, and transmit such bonds, together with the oaths of office, to the secretary of this State, to be filed in said secretary's office according to law; and after the approval of said bonds by said justice of the supreme court, the said clerk and surrogate shall be fully authorized to enter upon the duties of their respective offices.

Appropri-
ation of income
of school
fund.

Sec. 17. *And be it enacted*, That it shall be the duty of the trustees of the school fund of this state to apportion to the said county of Camden, on or before the first Monday of April next, its just share and proportion of the annual appropriation of the income of the school fund according to law.

Sec. 18. *And be it enacted*, That upon receiving the proportion of the surplus revenue to which the said county of Camden is entitled, the said board of chosen freeholders, shall within ninety days after receiving the same, deliver the certificate for the amount of such surplus revenue, signed by

the director of the said board of freeholders, expressing the usual legal obligation, and pledging the faith of the said county of Camden, for the safe keeping and re-payment thereof, to the Treasurer of this state; and in all things comply with the act of the legislature of this state entitled "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is, or may hereafter be apportioned to, and received by this state," passed the 10th day of March, 1837.

Chosen freeholders to give obligation on receipt of surplus revenue.

Sec. 19. *And be it enacted,* That the board of chosen freeholders of the county of Gloucester may assign to the said board of chosen freeholders of the county of Camden, any such bonds and mortgages upon property within the limits of the said county of Camden, taken upon the loan of the surplus revenue, as the said board of freeholders of the county of Camden, or the commissioners appointed by this act, in behalf of the said county of Camden, shall be willing to take in payment of the portion of the surplus revenue to which said county of Camden is entitled by this act, and the assignment and transfer thereof, shall be good in law, and shall vest in the board of chosen freeholders of the county of Camden, complete title to the same.

Bonds and mortgages for loan of surplus revenue may be assigned.

Sec. 20. *And be it enacted,* That the amount of money received from the county of Gloucester, as the share of the county of Camden, for the public buildings and other public property, shall be expended whenever the board of chosen freeholders shall direct in the repair of the court house and jail, in Camden, and in the building of public offices; but no money shall be raised or taxes assessed, and collected from the inhabitants of the said county of Camden, for the erection of the public buildings in said county.

Location of public buildings, how fixed.

Sec. 21. *And be it enacted,* That the several Courts of the said county of Camden, shall be held at the times and place mentioned in the ninth section of this Act for one year, and after the expiration of one year the vote of the qualified electors of said county shall be taken at such time as the board of chosen freeholders shall appoint to determine where the courts of said county shall be held and the public buildings permanently located, the said election shall be conducted in the same manner as nearly as may be as is directed by the Act authorising the court-house election in the county of Mercer, and when the location shall be determined upon by such election and the public buildings erected, then the several courts shall be held in the court-house erected in the

place located as aforesaid. *Provided always*, that a majority of the whole number of votes taken at such election shall be necessary to the choice of the place of location.

Previse.

Passed March 13, 1844.

AN ACT to re-annex the township of Hopewell, in the county of Mercer, to the county of Hunterdon, and to straighten the county lines between Cape May and Cumberland.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the county of Mercer, embraced within the limits of the township of Hopewell, shall be, and the same is hereby attached to and made a part of the county of Hunterdon, and shall be subject to all the laws which the county of Hunterdon now is, or may be subject to, and the boundary line between the township of Hopewell, and the adjoining townships of Lawrence and Ewing, shall be the boundary line between the county of Hunterdon and the county of Mercer, and the corporate name of the inhabitants of the said township of Hopewell, shall hereafter be "The inhabitants of the township of Hopewell, in the county of Hunterdon."

Hopewell township re-annexed to Hunterdon.

Officers to hold appointments and Courts to exercise jurisdiction for a certain time.

Sec. 2. *And be it enacted*, That judges, justices, and other officers within the limits of the territory hereby attached to the county of Hunterdon, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the said county of Mercer until the second Monday of April next; and all courts at the time of the passing of this act, existing and being within the aforesaid limits of said county of Mercer, shall continue to have and exercise jurisdiction within the same until the second Monday of April next, in the same manner as if this act had not been passed; and that on and after the second Monday of April next, and until their respective terms of office in the county of Mercer shall expire, all persons in office at the time of the passing of this act, resident within the township of

Hopewell, and all and every of them shall hold, exercise and enjoy their respective offices, with all the powers, privileges and emoluments thereto belonging, within the limits of the county of Hunterdon, as officers of said county, as fully and effectually to all intents and purposes, as if they had been elected and appointed to their said offices respectively, within the said county of Hunterdon; *Provided*, that all judges of the court of common pleas, and all justices of the peace, shall take and subscribe the official oaths or affirmations required by law, within the said county of Hunterdon, on or before the first day of May next, and before they act in their respective offices, as officers of the county of Hunterdon. Proviso.

Sec. 3. And be it enacted, That all actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Mercer, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *Provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect, reside within the limits of the township of Hopewell, or where in any local action the cause of action arose within that township, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Hunterdon, and the cause tried therein, as if the said action had originally been commenced in said county. Actions, &c.,
in Mercer, not
to be affected

Proviso.

Sec. 4. And be it enacted, That all judgments obtained, or that may hereafter be obtained in any of the courts of the county of Mercer, upon any action, suit or proceeding, actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the said township of Hopewell, as if this act had not been passed, and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of the said county of Hunterdon, in the same manner as he should by law have done, in case this act had not been passed; and upon such judgment or judgments, a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein, as the party prosecuting the same, would have been entitled to in other Judgments,
&c., obtained
in Mercer co.
to be of same
force in
Hopewell.

cases, and in the same manner as if this act had not been passed.

Sec. 5. And be it enacted, That all persons at present residing within the limits of the township of Hopewell, who would have been entitled to vote at all ensuing elections in the county of Mercer, if this act had not been passed, shall be, and the same are hereby declared to be entitled to vote at all ensuing elections in the county of Hunterdon.

Residents of Hopewell to vote in Hunterdon.

Sec. 6. And be it enacted, That the right and interest of the said township of Hopewell, in and to such portions of the surplus revenue of the general government as have been or may be paid, and all interest money which has accrued, or may accrue thereon, shall not be deemed to be in any wise lessened or impaired by this act.

Interest of township in surplus revenue not to be impaired.

Sec. 7. And be it enacted, That the present member of the legislative council from the county of Mercer shall be and remain the representative in council of the county of Mercer, until the meeting of the next legislature of this state, and be entitled to and exercise all the privileges, powers and immunities as a member of council, as fully in all respects as if this act had not been passed.

Member in Council to remain representative till next meeting of the Legislature.

Sec. 8. And be it enacted, That so much of the township of Maurice River, in the county of Cumberland, as lies adjacent to the county of Cape May and within the following bounds, to wit: beginning at the Cumberland and Cape May line where the old Cape May road intersects the same; and running thence a northwardly course along said road to a station formerly called Souder place; thence northwardly the most direct course to the Cumberland and Atlantic line; thence by the Atlantic line and the Cape May line to the beginning, shall be annexed to and constitute a part of the Upper township in the county of Cape May, and that Francis Lee, James Ward and James L. Smith be and they are hereby appointed commissioners to run said line.

Part of Maurice River township annexed to Cape May.

Sec. 9. And be it enacted, That the township committees of the townships of Maurice River and Upper Township, shall meet on the third Monday in April next, in Marshalville at the house now occupied by Edward Thomas, at ten o'clock in the forenoon, and shall then and there, or as soon thereafter as may be, proceed by writing, signed by a majority of the members of each committee, to allot to the said Upper Township, such proportion of the property, money on hand or due, and belonging to the township of Maurice River, as the rateables and taxable property hereby set off to the said Upper

Township committees to make division of property, &c.

Township, have to the rateables and taxable property of the township of Maurice River, as the same shall remain after the passage of this act; and if any of the persons composing either of the township committees, should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive; *Provided*, that said meeting may adjourn to such time and place as a majority shall deem proper.

Sec. 10. *And be it enacted*, That all persons residing within the territory hereby set off to the Upper Township, who by the laws of this state, would have been entitled to vote at any ensuing election in the county of Cumberland, the same shall be entitled to vote at any such election, to be held in said Upper Township, the same as though they had always resided in said township.

Inhabitants to vote in Upper township.

Sec. 11. *And be it enacted*, That judges, justices, and other officers within the limits of the territory hereby attached to the county of Cape May, shall continue to hold, exercise, and enjoy their several and respective offices and appointments with the powers and privileges thereto belonging, within the limits of the said county of Cumberland, until the second Monday of April next; and all courts at the time of the passing of this act, existing and being within the aforesaid limits of said county of Cumberland, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed, and that on and after the second Monday of April next, and until their respective terms of office in the county of Cumberland shall expire, all persons in office at the time of the passing of this act, resident within the territory hereby attached to Cape May, and all and every of them, shall hold, exercise and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging within the limits of the county of Cape May as officers of said county, as fully and effectually to all intents and purposes, as if they had been elected and appointed to their said offices respectively, within the said county of Cape May; *Provided* that all judges of the court of common pleas, and all justices of the peace, shall take and subscribe the official oaths or affirmations required by law, within the said county of Cape May, on or before the first day of May next, and before the act in their respective offices as officers of the county of Cape May.

Officers to hold appointments and courts to exercise jurisdiction for certain time.

Provide.

Sec. 12. *And be it enacted*, That all actions, suits, appeals, prosecutions and other legal proceedings, commenced or depending in the supreme court of this state, or in any

Judgments
obtained in
Cumberland
to be of same
force in Cape
May.

court, or before any justice of the peace within the county of Cumberland, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall, and may be prosecuted in said county and before said courts in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court where the defendant in any transitory action shall at the time when this act takes effect reside within the limits of the territory hereby annexed to Cape May, or where in any local action the cause of action arose within that territory, either party may at his election, on application to said court, for that purpose have the venue in said action, changed to the said county of Cape May and the cause tried therein as if the said action had originally been commenced in said county.

Provido,

Actions, &c.
in Cumber-
land not to be
affected.

Sec. 13. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained in any of the courts in the county of Cumberland upon any action, suit, or proceeding, actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the said territory hereby annexed to Cape May as if this act had not been passed, and writs of execution or other legal process may be issued thereon and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of the said county of Cape May in the same manner as he should by law have done in case this act had not been passed, and upon such judgment or judgments a writ or writs of *scire facias* may issue, as allowed by law in other cases directed as aforesaid and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases and in the same manner as if this act had not been passed:

Act when to
take effect.

Sec. 14. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed March 13, 1844.

AN ACT to establish a uniform standard of weights and measures in this State.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the standard of weights and measures of the United States, now deposited in the Secretary's office at Trenton, shall be the standard of weights and measures of this State, for the approving and sealing of the same in the several counties thereof, and the said Secretary of State is hereby enjoined to preserve and take care of the same, and to allow and assist such person or persons, authorized by the chosen freeholders of each county of this State, to compare and adjust a corresponding standard of weights and measures for each and every county; and shall give to such person or persons so authorized, a certificate under the seal of his office, of their correctness, as compared with the standard in his office; and the said Secretary of State shall procure a seal, upon which shall be imprinted the letters S. S., and shall mark with the said seal each and every article so compared, for which he shall receive a reasonable compensation from the Treasurer of this State, upon the certificate of the Governor thereof.

Secretary of State to compare and adjust county standards.

Sec. 2. *And be it enacted,* That the chosen freeholders of each and every county, shall, at the expense of the several counties in this State, provide within ten months from the passage of this act, a set of brass weights, from half an ounce up to fifty pounds avoirdupois, and measures from one pint up to a gallon, and from a quarter of a peck to half a bushel, and a yard stick, of good, permanent and durable construction, according to the standard above mentioned, proved and sealed by the Secretary of this State, and likewise a seal upon which shall be imprinted the letters C. S., who shall deposit the same with the clerk of the county they represent; who is and shall be hereby constituted the sealer of weights and measures for said county, and shall keep the same in his office in good order and repair, and shall take on entering on the duties of his office the following oath, (or affirmation,) viz:

Chosen freeholders to procure weights and measures.

I do swear, (or affirm,) that I will not stamp, seal or give any certificate for any weights or measures, but such as shall, as nearly as possible, agree

Oath of Clerk.

with the standard in my keeping, and will, in all respects truly and faithfully discharge and execute the trust reposed in me to the best of my ability and capacity. So help me God.

Which said oath (or affirmation) shall be administered by any justice of the peace, in the presence of not less than two members of the board of chosen freeholders of said county, and filed by said clerk in his office.

Clerk to give
notice of time
of sealing.

Fees for seal-
ing.

Sec. 3. *And be it enacted*, That the clerk or sealer of weights and measures in every county of this State, shall post up a notification in writing, by setting up three advertisements in each township thereof, on the first day of March next, and on the same day every seventh year thereafter, or shall cause such notification to be published at least four weeks successively in one or more newspapers printed and published in said county requiring all and every person within their respective counties to bring into the said sealer of weights and measures, all such weights and measures by which they respectively buy or sell, giving at least thirty days notice of the appointed time for the sealing, aforesaid; and the clerk or sealer may demand and receive from the owner of all weights and measures so tried, proved and sealed, by the seal of said clerk, two cents for each and every article which he may seal; it shall further be the duty of said clerk to give a certificate to every person or persons who may apply to him to have articles sealed, stating the number so sealed, their weight or capacity, and that they agree and correspond with the standard deposited in his office; and if any person or persons shall carry any weights or measures to said clerk to be sealed, at any time after the day notified for sealing as aforesaid, the clerk or sealer of weights and measures in such case may demand and take eight cents for each and every article he may seal.

Penalty for
using weights
& measures
not sealed.

Sec. 4. *And be it enacted* That if any person or persons within this State shall at the expiration of thirty days after the appropriate time of sealing, vend or sell any wares or merchandise, or any commodity whatever, by any other weights and measures but such as shall have been tried, proved and sealed, as this act requires, the person or persons so offending shall forfeit and pay for every offence a sum not less than two and not exceeding five dollars; one half to go to the prosecutor, and the other half to the poor of the township in which said offence may be committed, to be recovered by action of

debt in any court having cognizance of the same; Provided always, that nothing in this act shall be so construed as to prohibit any person or persons from buying or selling by steelyards or patent balances, when they shall have been tried by, and agree with the standard aforesaid, and when the buyer and seller, payer and receiver, shall both consent thereto.

Sec. 5. *And be it enacted*, That this act shall take effect ^{Act when to} immediately upon the passage thereof. ^{take effect.}

Passed March 13, 1844.

A SUPPLEMENT to the act concerning costs.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same*, That the justices of the supreme court of this state, be, and they are hereby authorized and requested to prepare and settle forms of bills of costs in the various cases civil and criminal that usually arise in the several courts of this state, except the court for trial of small causes, and shall specify in such forms the items properly chargeable by law in each case, as fully and particularly as may be practicable, and that the clerk of the Supreme Court shall furnish at the expense of the state, printed copies of the forms so prepared and settled by the said justices, to the clerk of the court of chancery, and to the clerks of the several counties in this state. ^{Justices of supreme court authorized to prepare forms of bills of cost.}

Sec. 2. *And be it enacted*, That if any clerk shall tax, or if any attorney at law shall procure, suffer or permit to be taxed, any bill of costs containing any item not allowed by law, every such bill shall be wholly forfeited, and no action shall be brought, or sustained for any such bill, or any part of item thereof. ^{Bill forfeited for unlawful taxation.}

Sec. 3. *And be it enacted*, That whenever suit shall be brought upon any bond secured by mortgage on real or personal estate, no costs shall be taxed or allowed in such suit, unless the property mortgaged shall upon a sale thereof, be insufficient to pay the amount of such bond, together with the costs of foreclosing said mortgage. ^{When costs not to be taxed.}

Passed March 14, 1844.

A FURTHER SUPPLEMENT to the act entitled, "An act constituting courts for the trial of small causes," passed twelfth February, 1818.

Assessment of damages how made.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That assessments of damages in and by the fifty ninth section of the act to which this act is a supplement, directed to be made by the court, shall be made by a jury upon application of either party interested, any thing in the said act to the contrary notwithstanding; and this act shall take effect upon the passage thereof.

Passed March 13, 1844.

AN ACT for the relief of Hannah Applegate, widow of William Applegate, deceased, of the county of Monmouth.

\$40 per annum to be paid to Hannah Applegate.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this State is hereby authorized and directed to pay unto Hannah Applegate, widow of William Applegate, deceased, of the county of Monmouth, a soldier of the Revolutionary war of the United States, or to her order, the sum of forty dollars per annum, during her natural life, in half-yearly payments, the first payment to be made on the fourth day of March next, and the receipt of the said Hannah Applegate, or her order, shall be a sufficient voucher to the Treasurer for the payment of the same in the settlement of his accounts.

Passed March 13, 1844.

An Act entitled, "An act to set off the township of Tewksbury in the county of Hunterdon, into the county of Somerset.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all that part of the county of Hunterdon embraced within the limits of the township of Tewksbury shall be, and the same is hereby attached to, and made a part of the county of Somerset, and shall be subject to all the laws which the county of Somerset now is or may be subject to, and the boundary line between the township of Reddington and the township of Tewksbury, shall in part be the boundary line between the counties of Hunterdon and Somerset.

Township of
Tewksbury
attached to
Somerset.

Sec. 2. And be it enacted, That the territory within the bounds of the township of Tewksbury in the county of Hunterdon, shall be and the same is hereby erected into a township to be called "the township of Tewksbury in the county of Somerset," and that the inhabitants thereof shall be and are hereby constituted a body politic and corporate in law, by the name of "the inhabitants of the township of Tewksbury, in the county of Somerset," and shall be and they are hereby vested with, entitled to, and authorised to exercise and enjoy all the franchises, powers, privileges, immunities and authorities, and shall be, and are hereby made subject to all the provisions of the laws for the time being for the regulation and government of the inhabitants of other townships of this state.

Style of in-
corporation.

Inhabitants
incorporated.

Sec. 3. And be it enacted, That all real and personal estate belonging to the inhabitants of the township of Tewksbury in the county of Hunterdon shall hereafter belong to the inhabitants of the township of Tewksbury in the county of Somerset, and the debts due to or from the inhabitants of the township of Tewksbury, in the county of Hunterdon shall be received and paid by the inhabitants of the township of Tewksbury, in the county of Somerset.

Property &c.
vested in in-
habitants of
township.

Sec. 4. And be it enacted, That the judges, justices of the peace, and other officers, in the limits of the territory hereby attached to the county of Somerset, shall continue to hold, execute and enjoy their several respective offices and appointments, within the limits of the said county of Hunterdon, until the second Monday of April next; and all courts, at the time of the passing of this act, existing and being within the aforesaid limits of the said county of Hunterdon, shall

Officers to
hold office,
and courts to
exercise ju-
risdiction for
certain time.

continue to have and exercise jurisdiction within the same until the second Monday of April next, in the same manner as if this act had not been passed; and that on, and after the second Monday of April next, and until their respective terms of office in the county of Hunterdon, as shall expire, all persons in office, at the time of passing this act, residing within the limits of the said township of Tewksbury, and all, and every of them, shall hold, exercise and enjoy their respective offices, with all the powers, privileges and emoluments thereto, belonging within the limits of the county of Somerset, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their respective offices, in the said county of Somerset; *Provided*, that all judges of the court of common pleas, and justices of the peace, shall take and subscribe the official oaths or affirmations required by law, within the said county of Somerset, on or before the first day of May next, and before they act in their respective offices, as officers of the county of Somerset.

Proviso.

**Actions &c.
in Hunterdon
not to be af-
fected.**

Sec. 5. And be it enacted, That all actions, suits, appeals, prosecutions and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace, within the county of Hunterdon, as the said county stood, before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county; and before said courts, in the same manner as if this act had not been passed, any thing herein contained to the contrary, notwithstanding; *Provided*, that in all such causes, pending in the supreme court, where the defendant, in any transitory action, shall, at the time when this act takes effect, reside in the said township of Tewksbury, or where, in any local action, the cause of action arose in the said township, either party may, at his election, on application to the said court for that purpose, have the venue in said action, changed to the county of Somerset, and the cause tried therein, as if the said action had originally been commenced in said county.

Proviso.

**Time and
place of town
meetings.**

Sec. 6. And be it enacted, That the first town meeting hereafter to be held in the said township of Tewksbury, as hereby constituted, shall be held on the second Monday of April next, at the house of Peter R. Fisher, in New Germantown, and that thereafter the town meetings in said township shall be held annually on the second Monday in April, at such places as the electors of said township shall from time to time appoint, under the laws of this state.

Sec. 7. And be it enacted, That all judgments obtained, or that may hereafter be obtained in any of the courts of

Hunterdon county, upon any action, suit or proceeding actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the former limits of said county as if this act had not been passed; and writs of execution and other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same, within the limits of the county of Somerset, in the same manner as he should have done, in case this act had not been passed; and upon such judgment or judgments, a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein, as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Executions
&c., on suits
now depend-
ing in Hun-
terdon Co.
may be
executed in
Somerset.

Sec. 8. *And be it enacted*, That all persons residing within the limits of the township of Tewksbury, in the county of Hunterdon, who would have been entitled to vote at the next annual, or any other election in the county of Hunterdon, if this act had not been passed, shall be, and the same are hereby declared to be entitled to vote at the next annual election, in the county of Somerset, or any other election to be held therein after this act shall go into operation.

Inhabitants
of Tewksbury
to vote in
Somerset.

Sec. 9. *And be it enacted*, That the right and interest of the said township of Tewksbury in and to such portions of the surplus revenue of the general government, as have been or may be paid, and all interest money which has accrued or may accrue thereon, shall not be deemed to be in any wise lessened or impaired by this act.

Sec. 10. *And be it enacted*, That this act shall take effect on and after the second Monday in April next.

Act when to
take effect.

Sec. 11. *And be it enacted*. That the counties of Hunterdon and Somerset shall hereafter respectively elect the same number of representatives as they are at present entitled to, until otherwise regulated by law.

Number of
Representa-
tives.

Passed March 13, 1844.

A FURTHER SUPPLEMENT to the act entitled "An Act to regulate elections," passed March 12th, in the year of our Lord 1839.

Sec. 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That every free white male citizen of the United States, who shall have resided one year in any county of this state next preceding any election, which shall be held by virtue of the constitution or laws of this state, and who shall in other respects be entitled to vote at such election shall be deemed and taken to be worth fifty pounds proclamation money.

Sec. 2. *And be it enacted,* That if any person shall be challenged to take oath or affirmation, That if any person shall be challenged as not qualified or entitled to vote, and the person challenging him shall specify a ground of such challenge to be, that the person so challenged is an alien, the chairman of the board of election shall forthwith tender to him an oath or affirmation in the following form: "you do swear [or affirm, as the case may be,] that to the best of your knowledge, information or belief, you were born a citizen of the United States, and that you do not owe allegiance, to any foreign prince, potentate, state or sovereignty;" and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce at the time of claiming his vote, to such board a lawful certificate, issued out, and under the seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same, shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States; or in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then, that the person alleged to be such parent has been admitted to the rights of such citizen, or unless one or more of the board of election, shall have seen and examined said certificate at some previous election, or unless he shall take an oath or affirmation which shall be tendered to him by the chairman of the board of election according to the circumstances of the case, in the following form: "You do swear, [or affirm as the case may be,] that you have been admitted to the rights of a citizen of the United States, by a certificate of naturalization, issued out, and under the seal of a court of record in the United States," or in the fol-

following form: "You do swear, [or affirm as the case may be, that you have seen the certificate of naturalization by which your parent was recognized as a naturalized citizen of the United States; and that at the time of the naturalization of your parent you were under the age of twenty-one years, and resident in the United States;" *And it is hereby provided*, that no such certificate of naturalization, produced as aforesaid, shall be disregarded for, or on account of any alleged technical informality, or upon any pretence that the court issuing the same was, or is not a competent court of record; *Provided*, that it shall so appear on said certificate

Sec. 3. *And be it enacted*, That if any person shall be guilty of wilful and corrupt false swearing or affirming, in taking an oath or affirmation under this act, he shall be deemed and taken to be guilty of perjury, and may be prosecuted and punished accordingly. Penalty for false swearing.

Sec. 4. *And be it enacted*, That if any person shall, in any way, directly or indirectly, offer, promise, procure, confer, or give any money, property, thing in action, victuals, drink, preferment or any other consideration, to any person, for giving or refusing to give his vote, in, or at any election mentioned in the said act to which this is a supplement; or if any person shall at any such election, by menace or other corrupt means or device, directly or indirectly, attempt to influence, deter, or dissuade any person in giving or refusing to give his vote thereat every person so offering, promising, procuring, conferring, or given as aforesaid, or attempting to influence, deter, or dissuade as aforesaid, shall be adjudged to be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labor in the state prison, or both, in the discretion of the court before whom the offender shall be convicted, the fine in no case to be less than one hundred dollars, and the imprisonment not to exceed the term of eighteen months. Bribery, penalty for.

Sec. 5. *And be it enacted*, That no person shall, at any such election, knowingly and wilfully make any false assertion, or propagate any false report concerning any person who shall be a candidate thereat, which shall have a tendency to prevent his election, or with a view thereto, nor shall any officer or any other person summon, call out, or request any company or body of militia to appear, parade or exercise on the day of any such election, except in case of invasion or insurrection; and if any person or persons shall offend against any of the provisions of this section declared unlawful, he or they, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment. Penalty for making false reports concerning candidates, &c.

ment at hard labor, in the state prison, or both, in the discretion of the court before which such conviction shall be had, the fine not to exceed the sum of three hundred dollars, or such imprisonment, the term of eighteen months.

Additional penalties for offences against 4th and 5th sections.

Sec. 6. *And be it enacted*, That if any person shall offend against any or either of the provisions contained in the foregoing fourth and fifth sections of this supplement, he shall in addition to the pains and punishments in those sections mentioned, forfeit and pay the sum of thirty dollars, to be recovered in an action of debt, in the corporate name of any township in the county where such offence shall have been committed with costs of suit, before any court of competent jurisdiction, upon the complaint of any person that will institute such suit, one half of said penalty to be paid to the person complaining, and the other half to the collector of the township where such suit shall be brought, for the use of said township; and that the person complaining shall be a competent witness in such action.

Persons attending colleges, &c. not entitled to vote.

Sec. 7. *And be it enacted*, That in all cases where any person or persons have left or shall hereafter leave their home or place where they reside, to attend any academy, college, theological seminary or other literary institution in any township, borough or city of this state for the purpose of obtaining an education or instruction, that absence for such purpose while so attending such academy, college, theological seminary or other literary institution, shall not constitute a change of the place of residence of such person or persons so as to make him or them liable to be taxed, or to entitle him or them to vote at any election, in such township, borough or city, where such college, academy, theological seminary, or other literary institution is situated.

Part of former act repealed

Sec. 8. *And be it enacted*, That the third, forty third, forty-fifth, hundred and sixth and hundred and seventh sections of the act to which this is a further supplement, and the third section of the act entitled a further supplement to the act entitled, "An act to regulate elections," passed March ninth, eighteen hundred and forty two, and the act entitled "A further supplement to the act entitled an act to regulate elections," passed February twenty-third, eighteen hundred and forty-three, be, and the same are hereby repealed.

Act when to take effect.

Sec. 9. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Passed March 13, 1844.

AN ACT to raise by tax the sum of Forty Thousand Dollars:

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the au-* ^{\$40,000 tax}
thority of the same, That there shall be assessed, levied ^{to be raised,}
and collected, on the inhabitants of this State, their goods
and chattels, and on the lands and tenements within the
same, the sum of forty thousand dollars, money of the
United States, which sum shall be paid into the treasury
of this State, on or before the twentieth day January,
eighteen hundred and forty-five.

Sec. 2. *And be it enacted,* That that the said sum of for- ^{Proportions}
ty thousand dollars shall be paid by the several counties ^{of counties.}
of this state, in the preporition following, that is to say:

The county of Bergen shall pay the sum of thirteen
hundred and thirty four dollars.

The county of Hudson shall pay the sum of eight hun-
dred and twenty dollars.

The county of Essex shall pay the sum of thirty-five
hundred and fifty-two dollars.

The county of Passaic shall pay the sum ten hundred
and twenty-four dollars.

The county of Morris shall pay the sum of thirty one
hundred and thirty six dollars.

The county of Sussex shall pay the sum twenty hun-
dred and twenty six dollars.

The county of Warren shall pay the sum twenty one
hundred and eighty five dollars.

The county of Hunterdon shall pay the sum of thirty
two hundred and eighty two dollars.

The county of Somerset shall pay the sum of twenty
seven hundred and thirty two dollars.

The county of Middlesex shall pay the sum of twenty
seven hundred and thlry two dollars.

The county of Monmouth shall pay the sum of thirty
seven hundred and twenty four dollars.

The county of Burlington shall pay the sum of thirty
eight hundred and ten dollars.

The county of Gloucester shall pay the sum of thirteen
hundred and sixty two dollars.

The county of Cumberland shall pay the sum of fifteen
and sixty six dollars.

The county of Salem shall pay the sum of twenty-one hundred and fifty six dollars.

The county of Cape May shall pay the sum of six hundred and sixty six dollars.

The county of Atlantic shall pay the sum of four hundred and sixty six dollars.

The county of Mercer shall pay the sum of nineteen hundred dollars.

Enumeration
of articles
taxed at spe-
cific sums.

The county of Camden shall pay the sum of fifteen hundred and fifty two dollars.

Sec. 3. *And be it enacted*, That the assessors of the several townships, cities or boroughs of this state, to raise the aforesaid sum of forty thousand dollars, shall assess and rate the several articles and things hereinafter enumerated, at the following sums :

Every covering horse or jack, above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse or jack is kept ; all other horses or mules, three years old and upwards, any sum not exceeding eight cents.

Enumeration
of articles
taxed at dis-
cretion of
assessor.

All neat cattle, three years old and upwards, any sum not exceeding four cents each.

Sec. 4. *And be it enacted*, That in assessing the afore-said sum of forty thousand dollars, the following articles, persons and things shall be rated and valued, at the discretion of the assessor, to wit :

All tracts of land of more than twenty acres, at any sum not exceeding one hundred dollars.

by the hundred acres: and all houses and lots of land of twenty acres and under, connected therewith, and all lots of land of twenty acres and under, not connected with houses, shall be valued by the respective assessors, at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent, or value of the same, as near as may be, according to the scale by which they shall rate lands in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men,) the estimated value of whose rateable estate does not exceed thirty three dollars, any sum not exceeding three over and above their certainties and other estate made rateable by this act.

All merchants, shopkeepers, auctioneers and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomeries that work bar iron, immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills not exceeding three dollars for each engine.

All snuff mills, any sum not exceeding nine dollars.

All starch factories, any sum not exceeding ten dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or oil presses, any sum not exceeding nine dollars.

All bark mills propelled by water or steam, for grinding bark for sale, any sum not exceeding ten dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries used for distilling, any sum not exceeding thirty dollars, having due regard to the size capacity and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage-wagon, any sum not exceeding five dollars.

Every two-horse stage-wagon, any sum not exceeding two dollars and fifty cents.

Every covered riding wagon, any sum not exceeding one dollar.

Every two-horse chair or curricie, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding-chair, gig, sulky or pleasure wagon, any sum not exceeding seventy five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy five cents.

Every printing, bleaching and dying manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars and fifty cents.

Every glass or porcelain manufactory, where glass or porcelain ware is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and fifty cents, over and above the certainties made rateable by this act, if any single man be a householder he shall be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be construed to subject any species of property to be taxed more than once; and that no property herein specifically mentioned as taxable, shall be subject to a tax as real estate.

Manufacturers, &c., how to be assessed

Sec. 5. *And be it enacted*, That it shall be the duty of the assessors to assess all manufacturers, milles, lumber, wood, coal, and other merchants of whatever kind, not hereinbefore mentioned, according to the extent of their operations and the capital employed, as other certainties named in this act are taxed.

Duty of Assessors.

Sec. 6. *And be it enacted*, That it shall be the duty of every assessor to make and carry out, in his tax book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and that the amount of tax assessed in each township, city or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Sec. 7. And be it enacted, That the said sum of forty thousand dollars shall be assessed, levied and collected in the manner prescribed in the act entitled "An Act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before mentioned acts.

Manner of
assessing; and
penalty for
neglect.

Sec. 8. And be it enacted, That this act shall go into operation, and be in full force immediately after the passage thereof.

Passed March 14, 1844.

A supplement to an act entitled "An Act to erect a part of the county of Gloucester into a new county, to be called the county of Camden," passed March twelfth eighteen hundred and forty four.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That the present member of the legislative council of the county of Gloucester, shall be and remain the representative in council of the county of Gloucester, until the meeting of the next legislature of this state, and shall be entitled to and exercise all the privileges, power and immunities as such member, as fully as if the act to which this is a supplement had not passed.

Act when to
take effect.

Sec. 2. And be it enacted, That the county of Camden shall compose a part of the first congressional district of this state; and that this act shall take effect from and after the passage thereof.

Passed March 14, 1844.

AN ACT to alter the northeastern boundary of the city of
Trenton.

Part of the
township of
Trenton
annexed to
to Lawrence.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all such parts of the city of Trenton lying and being northeasterly of the following lines or boundaries, to wit: Beginning in the Assanpink creek, near the mouth of a brook, corner of lands late of Samuel Dickinson, and of Joseph Broadhurst, deceased; thence by the line between the said lands, and of others, north about thirty-two degrees west, to the Delaware and Raritan Canal; thence up the middle of said canal to the line between the township of Lawrence and the city of Trenton be, and the same are hereby annexed to the township of Lawrence, in the county of Mercer, and shall be hereafter considered as a part of said township of Lawrence, anything in the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, one thousand eight hundred and thirty-seven, to the contrary notwithstanding, and that this act shall take effect from and after the passage thereof.

Passed March 14, 1844.

AN ACT to divorcee Hannah Maria Berry, of the county of
Passaic, from her husband James Berry.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Hannah Maria Berry, of the county of Passaic, be, and she is divorced from her husband, James Berry, and that the marriage contract, heretofore existing between them, be, and the same is hereby absolutely dissolved.

Passed March 14, 1844.

AN ACT to incorporate the Trenton Improvement Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Edwin A. Douglass, Joseph C. Potts, Morean Delano, William P. Sherman, and William H. Potts and their associates and successors are hereby made and created a body politic and corporate in law, by the name of "The Trenton Improvement Company," for the purpose of promoting the manufacture of such articles as are not prohibited by the laws of this state, and for that purpose may buy, rent, take and hold, or otherwise become seized and possessed of, all such lands, tenements and water power, and other real and personal estate in the city of Trenton, as lie along the stream called Petty's Run, as may be necessary and useful for the purpose aforesaid, and the same may improve and use, or sell, let or otherwise dispose of, as they shall deem proper: *Provided*, that before crossing any of the streets or alleys of said city with their works, the said company shall first procure the consent of the common council, of said city, and said company may sue and be sued, may have and use a common seal, and make such by-laws for their regulation and government as they see proper: *provided*, the same are not inconsistent with the constitution and laws of the United States or of this State.

Names of
Corporators.Style of in-
corporation

Provided.

Sec. 2. *And be it enacted*, That said company shall have power to raise by subscription from time to time, a capital stock of two hundred thousand dollars, which shall be deemed personal estate, and be transferable upon the books of said company, and Morean Delano, William P. Sherman and Joseph C. Potts, or any two of them may open books and take subscriptions for capital stock first giving two week's notice previously in a newspaper published at Trenton, of the time, place and object of said meeting, and the stockholders at a meeting to be called in like manner after stock is taken as aforesaid, may proceed to elect by a plurality of those present or legally represented, such directors, officers and agents, as may be deemed necessary for conducting the affairs of the company.

Amount of
capital stock.Books to be
opened for
subscription.

Sec. 3. *And be it enacted*, That said corporation shall not go into operation until one-fourth of the capital stock subscribed as aforesaid shall be first paid in gold or silver coin, or current bank notes, and an affidavit or affirmation thereof, shall be made by a majority of the associates named in the

Company
when to go
into opera-
tion.

first section of this act, and filed in the office of the secretary of this state.

Capital stock not to be divided. Sec. 4. *And be it enacted,* That no part of the capital stock paid in shall at any time, or upon any pretence whatever be divided amongst the stockholders for dividends, and no dividend shall be made or paid, except from the actual profits; and each stockholder shall in the election of directors, have one vote for each share of stock he holds in said company.

Capital stock not to be withdrawn. Sec. 5. *And be it enacted,* That no part of the capital stock shall be withdrawn or refunded to the stockholders, until all debts and liabilities of the company are fully paid, and in case of any violation of the provisions of this or the preceding section, the president, directors and stockholders of said corporation, shall be personally liable in their own estate jointly and severally for all debts previously contracted then unpaid.

Directors to make annual statement. Sec. 6. *And be it enacted,* That in the month of May, annually, the directors shall submit to the stockholders a written statement under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against the company, and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent, and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in, and in case of any violation of the provisions of this section, the president, directors and stockholders shall be personally liable in their own estate, jointly and severally, for all debts of the company previously contracted and then unpaid.

Restrictions. Sec. 7. *And be it enacted,* That no part of the capital stock or any of the funds of the said corporation, shall at any time during the continuance of this charter be used or employed directly or indirectly in banking operations, or for any purpose whatever inconsistent with the provisions of this act.

Act may be amended. Sec. 8. *And be it enacted,* That it shall and may be lawful for the legislature at any time to alter or repeal this act.

Passed March 13, 1844.

A SUPPLEMENT to the act entitled, "An act to regulate the selling of grain," passed the sixteenth of February, eighteen hundred thirty eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the bushel of Indian corn in the county of Salem, in this state, shall consist of fifty-five pounds, instead of fifty-six pounds, as provided in the act to which this is a supplement.

Passed March 14, 1844.

AN ACT to provide for the establishment of Public Schools in the township of Nottingham, in the county of Mercer.

WHEREAS the inhabitants of the township of Nottingham, in the county of Mercer, have petitioned for a law to authorize them to raise by taxation a certain sum of money for the purpose of supporting public schools, therefore, Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the taxable inhabitants of the township of Nottingham, in the county of Mercer, be and they hereby are authorized to raise at their annual town meetings, any sum of money not exceeding six hundred dollars for the support of common schools in the said township, which money ordered to be raised as aforesaid shall be assessed, levied and collected, as other state, county and township taxes are assessed, levied and collected. Township authorized to raise money for support of schools.

Sec. 2. *And be it enacted,* That the said inhabitants of the said township of Nottingham, shall at their annual town meetings, elect five persons inhabitants of said township, as trustees of common schools, for the said township, who shall hold and exercise their office for one year, from and after their election; and the said trustees, shall have the entire charge Trustees, their power and duties.

and control of the public schools within the said township, shall have full power to receive from the township collector, and other township officer or officers, all moneys collected for common school purposes or belonging to the school fund or securities therefor, and shall appoint one of their number as treasurer who shall give satisfactory security to his co-trustees for the faithful performance of all his duties as such treasurer and who shall hold and exercise the said office of treasurer, subject to such rules and regulations as shall be made by said trustees; and the said trustees, shall exhibit to the said inhabitants of said township at their annual town meetings a full and correct statement of the sums of money by them received and from whom, and how the same has been expended, the number of schools under their charge, and the number of scholars taught therein, and of all their proceedings as trustees as aforesaid, and shall perform all other acts and duties appertaining to the trustees for common schools in this state.

Assessment
may be made
in case defi-
ciency.

Sec. 3. *And be it enacted*, That in the event of the sum of money, appropriated by the state to the said township for support of the public schools therein, and the sum of money raised therefor by the inhabitants of the said township as aforesaid, being together insufficient for the support of the said schools, then the trustees elected as aforesaid, may assess upon each scholar, such sum of money not exceeding one dollar per quarter as may be found necessary; *Provided*, that the said trustees may remit the whole or any part of said assessment upon such scholar or scholars, as circumstances may in their opinion, require.

Parts of
former acts
repealed.

Sec. 4. *And be it enacted*, That all acts and parts of acts coming within the purview of this act, and being repugnant thereto, be, and the same are hereby repealed, so far as they relate to, or concern the said township of Nottingham.

Passed March 15, 1844.

AN ACT to defray incidental expenses.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Treasurer of this State to pay to the several persons hereinafter mentioned, the following sums, viz :

To Alexander G. Cattell for stationery, postage and indexing rules and proceedings of the 68th General Assembly, one hundred twenty-one dollars and seventy-eight cents.

To W. A. & J. H. B. Green, for coal, twenty-seven dollars.

To Halsey Canfield, for work, cleaning and repairing Council Chamber, and rooms, two dollars.

To Staten Jeffers, for glass and glazing, seventy-five cents.

To Phillips & Boswell, nine dollars, for paper, and printing twelve quires circular No. 1.

To Silvester Vansickel, for furnishing two chairs for office of Secretary of State, three dollars and seventy-five cents.

To Jonathan S. Fish, for coal, twenty-seven dollars.

To B. S. Disbrow, for large case for government weights, nine dollars and fifty cents.

To Phillips & Boswell, for printing, as per bill, sixty-five dollars.

To Sherman & Harron, for advertising public laws, orders of the Supreme Court and advertising for proposals for a site for a state lunatic asylum, thirty-five dollars and ninety cents.

To Alexander G. Cattell, to services and expenses as special messenger appointed by the governor to carry reprieve for R. Keen, Cumberland county, ten dollars.

To Wm. Pearson, to locks and work on State House three dollars and eighty-seven and a half cents.

To Elias Philips for tumblers, eighty-one cents.

To Hunt & Anderson, to repairs for State House, seven dollars and seventy-five cents, to Jonathan S. Fish, to ten tons coal forty-five dollars.

To C. Faussett, to putting up pipes for heaters, six dollars.

To William Napton, for tile brick, lime and charcoal, twenty-seven dollars seventy-two cents.

To John Milledge, for two cords hickory wood and sawing, thirteen dollars and fifty cents.

To Lydia Rossell, for sealing press, stand, &c. for clerk's office of Supreme Court, and sealing paper cutter, twenty-seven dollars.

To President and Directors of the Trenton Water works, for water twelve months, ten dollars.

Certain incidental charges directed to be paid.

To William Grant, Jr. for repairing State House, sixteen dollars and seventeen cents.

To John B. Boling, for glass for State House and Supreme Court room, two dollars and eighty cents.

To Joseph A. Yard, for publishing laws, resolution, &c. passed the last sitting of the legislature, and advertising proclamation of Governor, twenty-nine dollars and seventy-seven cents.

To C. C. Yard, for pink tape and services as per bill, four dollars and eighty-three and a half cents.

To P. J. Gray, for advertising meeting Court of Appeals, special term of Supreme Court, &c., ten dollars.

To Elias Phillips, for tubs, tumblers, and pitchers, three dollars and seventy-five cents.

To William B. Kenney, for advertising Governor's proclamation and rule Supreme Court, six dollars and seventy-five cents.

To William Marseillas, for work at Clerk's office, S. E. Court, and white pine boards, three dollars twenty-nine and a half cents.

To B. & A. B. Green, for seven tons of coal, thirty-one dollars and fifty cents.

To John Campbell, & Co., for stationary, forty-six dollars and thirty-one cents.

To Stryker & Steward, for black crape, eleven dollars.

To Ralph Green, for repairing desk locks, &c., in Council, fifty cents.

To George W. Hopewell, for mason, work, one dollar and fifty cents.

To Phillips & Boswell, for eight quires commissions, printing, paper, and binding of Governor's proclamation and law calling a Convention, twenty-two dollars and twenty five cents.

To Issac Dunn, for work, &c. done in Council chamber, library room, &c., twenty-three dollars.

To Daniel D. Britton, former door keeper of the House of Assembly for cleaning and taking charge of Assembly room through the summer and fall of 1843, thirty dollars.

To Charles Scott, for stationery for the use of Council, eighty-five dollars and twelve cents.

To Charles Scott, for stationery for Secretary of State's office, thirty-seven dollars and fourteen cents.

To Charles Scott, for stationery for the use of Assembly, thirty-five dollars and fifty-six cents.

To Charles Scott, for stationery for Supreme Court, and a parallel ruler for Treasurer's office, fourteen dollars fifty-three and a half cents.

To E. Wampole, for stationery for Council and Assembly,

(per Messrs. Boyles & Newell,) candlesticks, and (per Napton,) one hundred and twenty-four dollars and twenty-five cents.

To Jonathan S. Fish, for three tons of nut coal, thirteen dollars and fifty cents.

Certain incidental charges directed to be paid.

To Samuel R. Hamilton, for postage, printing bill, and transportation of arms, fourteen dollars and eighty-six cents.

J. G. Brearly, for stove for Clerk's office of Supreme Court, fourteen dollars and sixty-three cents.

To J. G. Brearley, for nails, putty, varnish, oil, sash cord, etc., for Chancery clerk's office, five dollars and thirty-two cents.

To Fish, Green & Co., for lumber, ten dollars and ninety-seven cents.

To C. B. Howell, for repairing gutter on State House, three dollars.

To Charles G. McChesney, for cash paid Charles Scott and others, ten dollars and seventy-five cents, (as per receipts.)

To Isaac Dunn, for putting ladder on blinds in Chancery room, one dollar and twenty-five cents.

To Thomas J. Combs, for mason work done on State House, and laboring work, twenty-four dollars and fifty cents.

To James D. Shreve, for cleaning and taking charge of Council Chamber through the summer and fall, thirty dollars.

To W. W. Norcross, for sperm oil, (per D. Baker,) two dollars and twenty-five cents.

To Daniel Baker, for cash paid extra hands in storing arms and mounting cannon, etc., four dollars.

To Jos. G. Brearley, for oil, white lead and turpentine, (per D. Baker,) ten dollars and sixty-two cents.

To Staten Jeffers, for glass and glazing, two dollars and twenty-five cents.

To Daniel Harley, for carrying coal, shovelling snow and sweeping halls, six dollars and twelve and a half cents.

To William Jay, for candles and brooms for Council, etc., sixty-four dollars sixty-seven and a half cents.

To Charles Scott, for stationery for use of the office of Secretary of State, Treasurer's office, Council, Library, House of Assembly and Supreme Court, one hundred and eighty-six dollars and sixty-one and a half cents.

To Ephraim Bacon, for cleaning, white-washing State House, etc., one hundred dollars.

To John C. Miller, for stoves and fixtures for Supreme Court room, Assembly room, Council chamber and Library, as per bills, (per order of Secretary of State, three hundred and thirty-nine dollars and seventy-four cents.

To Sherman and Harron, for advertising Governor's Proclamation of thanksgiving, Courts of Appeals, Laws of first

Certain incidental charges directed to be paid.

sitting, act relative to calling Convention and Governor's Proclamation, twenty-two dollars and fifty-six cents.

To William Jay, for candles for House of Assembly, (per Wm. Napton,) forty-eight dollars and fifty-seven and a half cents.

To Daniel H. Combs, for attending special term of Supreme Court, a screen and matt for Supreme Court room, thirteen dollars and twenty-five cents.

To Isaac Southard, late Treasurer, for travelling expenses to Camden, Newark, New Brunswick and Philadelphia, to pay treasury notes for money borrowed, and receive interest on bonds, dividends on stocks, and for packing State pamphlet laws, minutes of Assembly, journals of Council, Supreme Court reports, and for office rent, one hundred and thirty dollars and sixty-two cents.

To William G. Cook, for stationery, (per Newell) five dollars.

To Franklin S. Mills, for printing pamphlets and bills, for Assembly and Council, advertising laws, proclamations, etc., for the State, sixteen hundred eighteen dollars and sixty-two and a half cents.

To Jasper Scott, for mason work in Council chamber and library, three dollars and seventy-five cents.

To Wm. Pearson, to locks, etc., at State library, one dollar and forty-three cents.

To Peter forman, for freights and portage, ninety-seven and a half cents.

To David Clarke, for stationery for Council, Treasurer's office and Library, one hundred eleven dollars fifty-three and a half cents.

To William Crossley, for repairs to State house yard, &c., four dollars and eighty seven and a half cents.

To William Briest, for putting charcoal and stone coal in cellar, seven dollars and twenty-five cents.

To Joseph Justice, for two reams envelope paper for Council, six dollars.

To Joseph W. Scott, Esq., for his attendance as revisor of the Orphan's Court system, per resolution of Council, seventy five dollars.

Passed March 14, 1844.

JOINT RESOLUTIONS.

WHEREAS, the courage and patriotism of the Jersey Blues during the War of the Revolution, have endeared them to the hearts of their countrymen, and whereas there yet lingers among us, a few surviving soldiers of the glorious War of Independence, and a few widows of deceased soldiers whose chief dependence in their old age is upon the gratitude of their country. Preamble.

BE IT RESOLVED *by the Council and General Assembly of this State*, That the existing pension laws of the United States for the relief of the surviving soldiers of the Revolution, and the widows of deceased soldiers, are regarded by this Legislature with the highest approbation as a just tribute to the merits and services of those who achieved under Providence the independence of our country. Pension laws of U. S.

And be it further resolved, That our Senators and Representatives in Congress be requested to use their best exertions to prevent the enactment of any law which shall repeal or alter in any material respect the beneficent provisions of the existing laws granting pensions to soldiers of the Revolutionary War, or to the widows of deceased soldiers, and that copies of these Joint Resolutions be transmitted to them under the Great Seal of the State to be laid before the Senate and House of Representatives of the United States. Copies of Resolutions to be sent to Senators and Representatives.

Passed March 13, 1844.

Treasurer
not to pay
certain inci-
dental charg-
es.

BE IT RESOLVED, *by the Council and General Assembly of this State*, That the treasurer be, and he is hereby directed not to pay out of the treasury any moneys appropriated by the act entitled, "An act to defray incidental expenses," passed March 14, 1844, where the services or articles in the said act specified, have been paid for under or by virtue of any special act or resolution, or under or by virtue of any authority whatever.

Passed March 13, 1844.

Treasurer
authorized to
borrow mon-
ey.

RESOLVED, *by the Council and General Assembly of this State*, That the treasurer be, and he is hereby authorized to borrow from time to time, for the use of the State, such sum or sums of money as may be necessary to meet the expenses authorized by law, not to exceed the sum of thirty thousand dollars, and at a rate of interest not to exceed the rate of six per centum per annum.

Passed March 14, 1844.

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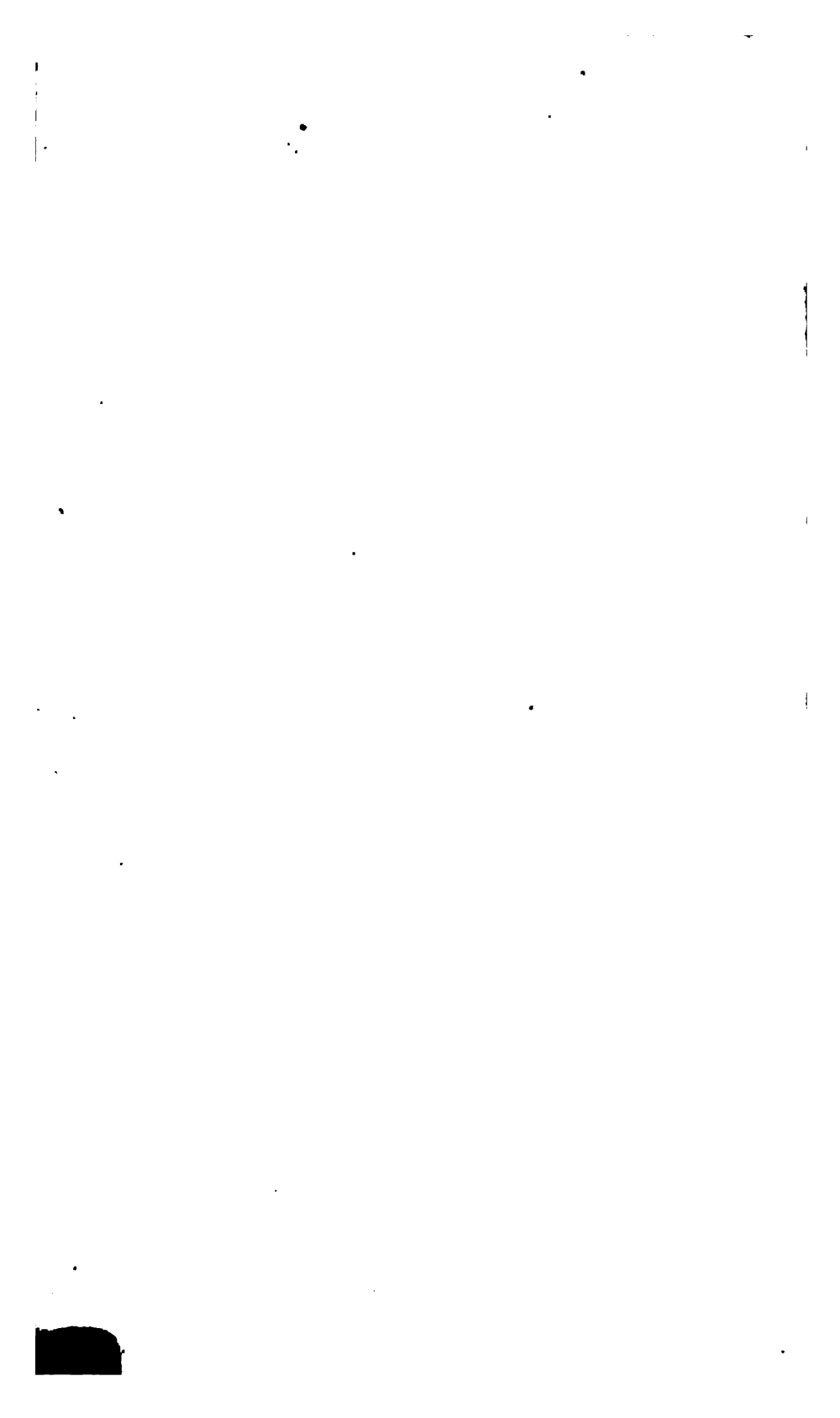
A C T S
OF THE
SIXTY-NINTH LEGISLATURE
OF THE
STATE OF NEW JERSEY,
AND
FIRST SESSION UNDER THE NEW CONSTITUTION.



TRENTON:
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1845..



ACTS OF 1845.



CONSTITUTION

OF THE

STATE OF NEW JERSEY.

A CONSTITUTION,

Agreed upon by the delegates of the people of New Jersey, in convention, begun at Trenton, on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four.

WE, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavours to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this constitution.

ARTICLE I.

RIGHTS AND PRIVILEGES.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor under any pretence whatever be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to

pay tithes, taxes, or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect, in preference to another: no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the papers and things to be seized.

7. The right of trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when the matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel in his defence.

9. No person shall be held to answer for a criminal offence, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy: or in the militia, when in actual service in time of war or public danger.

10. No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military, shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in a manner prescribed by law.

14. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use, without just compensation; but land may be taken for public highways as heretofore until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people:

ARTICLE II.

RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections,

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. The powers of the government shall be divided into three distinct departments,—the legislative, executive, and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV.

LEGISLATIVE.

Section I.

1. The legislative power shall be vested in a Senate and General Assembly.

2. No person shall be a member of the Senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the state for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the General Assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of the county for which he shall be chosen one year next before his election; *provided*, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the Senate and General Assembly shall be elected yearly and every year, on the second Tuesday of October; and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

Section II.

1. The Senate shall be composed of one senator from each county in the state, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the Senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one class may be elected every year: and if vacancies happen, by resignation or otherwise, the persons

electd to supply such vacancies shall be elected for the unexpired terms only.

Section III

1. The General Assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the General Assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; *provided*, that each county shall at all times be entitled to one member: and the whole number of members shall never exceed sixty.

Section IV.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass, unless there be a majority of all the members of each body personally present and agreeing

thereof; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the Senate and General Assembly shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session; and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra-session by the governor, they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The president of the Senate and the speaker of the House of Assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their per diem allowance as members.

8. Members of the Senate and General Assembly shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same: and for any speech or debate, in either house, they shall not be questioned in any other place.

Section V.

1. No member of the Senate or General Assembly shall, during the time for which he was elected, be nominated or appointed by the governor or by the legislature in joint-meeting, to any civil office under the authority of this state, which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the Senate or General Assembly shall be elected to represent this state in the Senate or House of Representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this state shall thereby be vacated.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person or persons possessed of any office of profit under the government of this state shall be entitled to a seat, either in the Senate or in the General Assembly; but on being elected and taking his seat, his office shall be considered vacant: and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Section VI

1. All bills for raising revenue shall originate in the House of Assembly; but the Senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the state shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the state, which shall singly or in the aggregate with any previous debts or liabilities at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrevocable until such debt or liability, and the interest thereon, are fully paid and discharged: and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election: and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this state by the government of the United States.

Section VII.

1. No divorce shall be granted by the legislature.

2. No lottery shall be authorized by this state; and no ticket in any lottery not authorized by a law of this state shall be bought or sold within the state.

3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

5. The laws of this state shall begin in the following style, "Be it enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money stock, and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of public schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate, or use the said fund or any part thereof, for any other purpose, under any pretence whatever.

7. No private or special law shall be passed authorizing the sale of any lands belonging in whole or in part to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.

8. The assent of three-fifths of the members elected to each house shall be requisite to the passage of every law for granting, continuing, altering, amending, or renewing charters for banks or money corporations; and all such charters shall be limited to a term not exceeding twenty years.

9. Individuals or private corporations shall not be authorized to take private property for public use, without just compensation first made to the owners.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this state chancery powers, so far as relates to the foreclosure of mortgages and sale of mortgaged premises.

Section VIII.

1. Members of the legislature, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear, (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator (or member of the General Assembly, as the case may be) according to the best of my ability."

And members elect of the Senate or General Assembly are hereby empowered to administer to each other the said oath or affirmation.

ARTICLE V.

EXECUTIVE.

1. The executive power shall be vested in a governor.

2. The governor shall be elected by the legal voters of this state. The person having the highest number of votes shall be

the governor: but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint-meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter: and he shall be incapable of holding that office for three years next after his term of service shall have expired: and no appointment or nomination to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this state seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this state.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the state; he shall have power to convene the legislature whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the state, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the state, commissions to all such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses shall be presented to the governor: if he approve he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law; but, in neither house shall the vote be taken on the same day on which the bill shall be returned to it: and in all such cases, the votes of

both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature by their adjournment, prevent its return in which case it shall not be a law.

8. No member of Congress, or person holding an office under the United States, or this state, shall exercise the office of governor; and in case the governor, or person administering the government shall accept any office under the United States or this state, his office of governor shall thereupon be vacant.

9. The governor or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after conviction, in all cases except impeachment.

11. The governor and all other civil officers under this state shall be liable to impeachment for misdemeanor in office during their continuance in office and for two years thereafter.

12. In case of the death, resignation or removal from office of the governor, the powers, duties, and emoluments of the office shall devolve upon the president of the Senate, and in case of his death, resignation or removal, then upon the speaker of the House of Assembly for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation, or removal, shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature in any office which is to be filled by the governor and Senate, or by the legislature in joint-meeting, the governor shall fill such vacancy and the commission shall expire at the end of the next session of the legislature, unless a successor shall be sooner appointed: when a vacancy happens in the office of clerk or surrogate of any county, the governor shall fill such vacancy, and the commission shall expire when a successor is elected and qualified.

13. In case of the impeachment of the governor, his absence from the state or inability to discharge the duties of his office, the powers, duties and emoluments of the office shall devolve upon the president of the Senate; and in case of his death, resignation or removal, then upon the speaker of the House of Assembly for the time being, until the governor absent, or impeached shall return or be acquitted, or until the disqualification or inability shall cease, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified into office, the powers, duties and emoluments of the office shall devolve upon the president of the Senate or speaker of the House of Assembly, as above provided for, until a new governor be elected and qualified.

ARTICLE VI.

JUDICIARY.

Section I.

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.

Section II.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall arrange themselves in such manner that the seat of one of them shall be vacated every year, in order that thereafter one judge may be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who

has given a judicial opinion in the case in favour of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

Section III.

1. The House of Assembly shall have the sole power of impeaching by a vote of a majority of all the members; and all impeachments shall be tried by the Senate: the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence": and no person shall be convicted without the concurrence of two-thirds of all the members of the Senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honour, profit or trust under this state: but the party convicted shall nevertheless be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

Section IV.

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judge of the prerogative court.

3. All persons aggrieved by any order, sentence, or decree of the orphans' court, may appeal from the same, or from any part thereof to the prerogative court; but such order, sentence, or decree shall not be removed into the supreme court, or circuit court if the subject matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

Section V.

1. The supreme court shall consist of a chief justice and four associate justices. The number of the associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose; and shall in all cases within the county, except in those of a criminal nature, have common-law jurisdiction, concurrent with the supreme court;

and any final judgment of a circuit court may be docketed in the supreme court and shall operate as a judgment obtained in the supreme court from the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

Section VI.

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more, except to fill vacancies which shall be for the unexpired term only.

2. The commissions for the first appointments of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies which shall bear date and take effect when issued.

Section VII.

1. There may be elected under this constitution, two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices: *provided*, that whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the state and of the several wards shall be ascertained by the last preceding census of the United States, until the legislature shall provide, by law, some other mode of ascertaining it.

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section I.

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing and arming the militia.

2. Captains, subalterns, and non-commissioned officers shall be elected by the members of their respective companies.

3. Field officers of regiments, independent battalions, and squadrons, shall be elected by the commissioned officers of their respective regiments, battalions or squadrons.

4. Brigadier generals, shall be elected by the field officers of their respective brigades.

5. Major generals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

6. The legislature shall provide, by law, the time and manner of electing militia officers, and of certifying their elections to the governor, who shall grant their commissions, and determine their rank, when not determined by law; and no commissioned officer shall be removed from office, but by the sentence of a court martial pursuant to law.

7. In case the electors of subalterns, captains, or field officers, shall refuse or neglect to make such elections, the governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respective brigades.

9. The governor shall appoint the adjutant general, quartermaster general, and all other militia officers, whose appointment is not otherwise provided for in this constitution.

10. Major generals, brigadier generals and commanding officers of regiments, independent battalions, and squadrons, shall appoint the staff officers of their divisions, brigades, regiments, independent battalions, and squadrons respectively.

Section II.

CIVIL OFFICERS.

1. Justices of the supreme court, chancellor, and judges of the court of errors and appeals, shall be nominated by the governor, and appointed by him, with the advice and consent of the Senate.

The justices of the supreme court and chancellor, shall hold their offices for the term of seven years: shall at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or of the United States.

2. Judges of the courts of common pleas shall be appointed by the Senate and General Assembly, in joint-meeting.

They shall hold their offices for five years; but when appointed to fill vacancies, they shall hold for the unexpired term only.

2. The state treasurer, and the keeper and inspectors of the

state prison shall be appointed by the Senate and General Assembly in joint-meeting.

They shall hold their offices for one year, and until their successors shall be qualified into office.

4. The attorney general, prosecutors of the pleas, clerk of the supreme court, clerk of the court of chancery, and secretary of state shall be nominated by the governor and appointed by him with the advice and consent of the Senate.

They shall hold their offices for five years.

5. The law reporter shall be appointed by the justices of the supreme court or a majority of them; and the chancery reporter shall be appointed by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people of their respective counties, at the annual elections for members of the General Assembly.

They shall hold their offices for five years.

7. Sheriffs and coroners, shall be elected annually by the people of their respective counties at the annual elections for members of the General Assembly.

They may be re-elected until they shall have served three years but no longer; after which, three years must elapse, before they can be again capable of serving.

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only; *provided*, that the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town meetings of the townships in the several counties of the state, and of the wards in cities, that may vote in wards.

9. All other officers, whose appointments are not otherwise provided for by law, shall be nominated by the governor and appointed by him with the advice and consent of the Senate; and shall hold their offices for the time prescribed by law.

10. All civil officers elected or appointed, pursuant to the provisions of this constitution shall be commissioned by the governor.

11. The term of office of all officers elected or appointed

pursuant to the provisions of this constitution, except when herein otherwise directed, shall commence on the day of the date of their respective commissions; but no commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII.

GENERAL PROVISIONS.

1. The secretary of state shall be ex officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the state shall be kept by the governor or person administering the government, and used by him officially, and shall be called the Great Seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor or person administering the government, and countersigned by the secretary of state, and shall run thus: "The State of New Jersey, to ———, greeting." All writs shall be in the name of the state; and all indictments shall conclude in the following manner, viz: "against the peace of this state the government and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September in the year of our Lord, one thousand eight hundred and forty-four.

ARTICLE IX.

AMENDMENTS.

Any specific amendment or amendments, to the constitution may be proposed in the Senate or General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature, next chosen, as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time at

least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election, to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution: *provided*, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for, or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and statute laws now in force not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the state, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may hereafter be found, for any crime or offence committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment, shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless, by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate general, and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation, or disability of the present governor, the person who may be vice president of Council at the time of the adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or ina-

bility to act, the vice president of Council, together with the present members of the Legislative Council and secretary of state shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the House of Representatives and electors of president and vice president.

6. The returns of the votes for governor, at the said next ensuing election shall be transmitted to the secretary of state, the votes counted, and the election declared, in the manner now provided by law in the case of the election of electors of president and vice president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbents shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the Senate, and not otherwise provided for; and the commissions shall expire at the end of the first session of the Senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter-sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Done in convention, at the State House in Trenton, on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, and of the independence of the United States of America the sixty-eighth.

ALEXANDER WURTS,

President of the Convention.

WILLIAM PATERSON, *Secretary.*

TH: J. SAUNDERS, *Assist. Sec'y.*

NEW JERSEY, ss.

Be it remembered, that on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, the above constitution was delivered to the governor of this state, in open convention, by the president thereof; and it is thereupon, by the said governor, ordered and directed that the same be filed in the office of the secretary of state.

DAN'L. HAINES, *Gov. of N. J.*

STATE OF NEW JERSEY, ss.

The within constitution was delivered by His Excellency Daniel Haines, governor of this state, to me, in open convention, and is, by his order, filed in my office this 29th June, 1844.

CHARLES G. McCHESNEY,
Secretary of State.

A true copy.

CHARLES G. McCHESNEY, *Sec'y of State.*



A C T S

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF NEW JERSEY.

AN ACT to incorporate the Mutual Benefit Life Insurance Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Thomas V. Johnson, William M. Simpson, Jesse Baldwin, James L. Dickerson, Henry McFarlan, Thomas B. Segur, Charles S. Macknet, Guy M. Hinchman, Samuel Meeker, Robert L. Patterson, Marcus L. Ward, Lewis C. Grover, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Mutual Benefit Life Insurance Company," to be located at Newark, in this state; and by that name they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and that they and their successors may have a common seal, and may alter and change the same at pleasure; and, also, that they and their successors, by the name of "the Mutual Benefit Life Insurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided* the lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold,

Names of corporations.

Style of incorporation.

General powers.

be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of the corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs and assigns, the corporation shall be bound to sell and dispose of, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of five years.

Persons ensured
to be members
of the company.

Directors, how
chosen.

Election for di-
rectors.

Vacancies, how
supplied.

SEC. 2. All persons who shall at any time hereafter ensure in or with the said association shall, while they continue so ensured, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by twelve directors, a majority of whom shall be citizens and residents of this state, and none of whom shall hold the like office or agency in any other insurance company in this state, to be chosen, by ballot, by and from among the members, and shall hold their office for one year and until others are chosen; and the said directors and officers may always be re-elected, but one-fourth part or number of the directors must be re-elected every year, for which purpose, at their first meeting, they must divide themselves in four sets or classes, of three each; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, the term of the fourth class shall expire at the end of four years, and so on successively; the seats of these classes shall be supplied by the members of this corporation; and that the election for directors shall be held on the third Monday of January, in every year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county of Essex, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; and in case it should happen that an election for directors should not be held on the

day when pursuant to this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; and until an election for directors shall be held according to the provisions of this act, the persons named in the first section of this act shall have the direction and management of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 3. It shall and may be lawful for the said corporation to ensure their respective lives, and to make all and every insurance appertaining to, or connected with life risks, of whatever kind or nature, as well of the sound in health, as the infirm or invalid.

Corporation may ensure lives.

SEC. 4. It shall be lawful for any married woman, by herself, and in her name or in the name of any third person, with his assent, as her trustee, to cause to be ensured for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband the sum, or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or of any of his creditors; but such exemption shall not apply when the amount of premium annually paid shall exceed three hundred dollars.

Married woman may ensure life of husband.

SEC. 5. In case of the death of the wife, before the decease of the husband, the amount of the insurance may be made payable after death to her children, for their use, and to their guardian, if under age.

Insurance, how payable in case of death of wife.

SEC. 6. It shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of insurance, in proportion to the amount ensured.

Notes may be taken for amt of insurance.

SEC. 7. The directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper for the management and disposition of the stock, property, estate, and effects of the said corporation, and for all such matters as appertain to the business thereof; and shall have power to appoint an actuary, from among themselves, and such other additional officers, clerks, and servants, for carrying on the business of said corporation, as they may select, with such allowances as to them shall appear just and satisfactory; *provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Powers and duties of directors.

President, how
chosen.

SEC. 8. At the first meeting of the directors held after the organization of this company, and at every annual meeting of the members in each year after, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting, and until another shall be appointed in his place.

Members to be
assessed for de-
ficiency.

SEC. 9. All policies of ensurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such persons, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their lawful representatives, according to the amount of each member's ensurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member; which rates or assessment shall be approved of by a majority of the directors, and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, or them required to be paid; and each and every member, or his lawful representative so notified, shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof, shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association; and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Policies forfeit-
ed for default of
payment of as-
sessment.

Meetings of di-
rectors, how
called.

SEC. 10. Three, or more, of the directors shall have power to call a meeting of the directors, by giving notice in one or more newspapers, published or circulating in the county of Essex, at least ten days before said meeting.

Funds not to be
employed in
banking.

SEC. 11. No part of the funds of said corporation shall be used for banking purposes.

Limitation.

SEC. 12. It shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act, and that this act shall continue in operation twenty years, and no longer.

Approved, January 31, 1845.

AN ACT for the relief of Elizabeth Ferrill, of the county of Gloucester.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The treasurer of this state be, and he hereby is authorized and directed to pay unto Elizabeth Ferrill, of the county of Gloucester, widow of the late James Ferrill, a soldier of the Revolutionary war, or to her order, the sum of thirty dollars per annum during her natural life, in half-yearly payments of fifteen dollars each, the first payment to be made on the first day of March next.

Pension of \$30
per annum to
E. Ferrill.

Approved, February 4, 1845.

AN ACT to incorporate the Cumberland Steamboat Company of New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Henry L. Smalley, Charles E. Elmer, John S. Wood, Edmund Davis, George Ayres, Francis Bacon, and William D. Barrett, and all such persons as are now members or partners of an association called and known by the name of the Cumberland Steamboat Company of New Jersey, and their successors and assigns, be, and they are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Cumberland Steamboat Company of New Jersey;" and by that name may have continual succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and may have full power, right, and legal authority to purchase, build, hold, occupy, and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as herein after declared.

Names of corporators.

Style of incorporation.

General powers.

SEC. 2. All the joint stock of the said association, and all the estate, real, personal, and mixed; all the securities, claims,

Stocks, &c., of former association vested in new corporation

and demands; all the records, books, papers, and vouchers, in any wise belonging to the said association, shall be transferred to, and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing in this section contained shall impair or affect the rights of the creditors of the said association.

Capital stock.

How to be employed.

SEC. 3. The capital stock of said corporation shall not exceed seventy-five thousand dollars, which shall be divided into shares of fifty dollars each; the capital stock of the said association is to be taken as a part of the said sum of seventy-five thousand dollars; and the members of the said association are to receive so many shares of the said stock of the said corporation as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steamboats from Bridgeton, in the county of Cumberland, to the city of Philadelphia and elsewhere, and is to be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, repairing, or building of suitable landings, wharves, and store-houses; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made and adopted.

First directors.

Their powers.

SEC. 4. Henry L. Smalley, Charles E. Elmer, John S. Wood, Edmund Davis, George Ayres, Francis Bacon, and William D. Barrett are hereby declared to be the directors of the said corporation, from the passage of this act until the election is held, as is herein after provided for; the board of directors for the time being shall have power to elect a president (who shall be a director), a treasurer, and all such officers and agents, and to employ such workmen, artificers, and labourers as shall be necessary to carry into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon; and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts.

May make by-laws.

SEC. 5. Immediately from and after the passage of this act, the said company shall be considered fully organized, and the said directors may proceed to carry into effect the purposes and powers of the said corporation; and the said directors shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company as to them shall

seem expedient, and not inconsistent with the laws of this state or of the United States. *

Sec. 6. The residue of the capital stock of said company, or any part thereof, not heretofore disposed of, may be disposed of and taken at any time hereafter, whenever the stockholders having a majority of the stock may deem it necessary and proper, the amount however to be limited by the board of directors for the time being, who are authorized to open books of subscription to said stock at such time or times, and place or places, as they, or a majority of them, shall think proper, giving at least twenty days' notice of the time and place of their meeting; and at the time of subscription, the sum of ten dollars on each share shall be paid to the directors; and the remainder of such subscription shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting all previous payments on such shares for the use of said company; *provided always*, that no instalment shall exceed the sum of twenty dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least twenty days' notice of the time and place appointed for the payment of each instalment shall be published in one or more newspapers published in the county of Cumberland and in the city of Philadelphia.

Books to be opened for subscriptions.

Sec. 7. The affairs, property, and concerns of the said corporation shall be conducted by seven directors, a majority of whom shall constitute a quorum, and at least four shall be residents in this state, and shall be chosen annually by ballot, by the stockholders, either in person or by proxy, no person to be eligible as a director who shall not be a stockholder in the said company, and in the choice of directors, in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first annual election for directors under this charter shall be held at Bridgeton, on the fourth day of March next, ten days' notice being first given thereof in a newspaper published in the county of Cumberland and the city of Philadelphia, and the stockholders, when met, to choose three persons as judges of election; and all future elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

Seven directors to be chosen.

Vacancies, how to be supplied.

Time and mode of election of directors.

Sec. 8. The president shall preside at all meetings of said corporation, and if absent his place may be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, and

Duties of president and directors.

merchandise, wagons, carriages, vehicles, horses, cattle, stock of every kind and description, and all kinds of produce or other articles that shall be transported in the boat or boats of the said company or corporation; and that the said board of directors shall from time to time declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the sum over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Corporation not to be dissolved for failure to elect on day prescribed.

SEC. 9. If an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Capital stock not to be used in banking.

SEC. 10. The said corporation shall not use or employ any part of the capital stock, or other funds, for banking or other purposes not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Act may be repealed, &c.

SEC. 11. It shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall continue in operation twenty years, and no longer.

Approved, February 5, 1845.

AN ACT to reannex the township of Hopewell, in the county of Hunterdon, to the county of Mercer.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Hopewell reannexed to Mercer.

SEC. 1. All that part of the county of Hunterdon embraced within the limits of the township of Hopewell shall be, and the same is hereby attached to, and made a part of the county of Mercer, and shall be subject to all the laws which the county of Mercer now is, or may be subject to; and the boundary line between the said township of Hopewell and the township of Amwell, in the county of Hunterdon, shall be hereafter the boundary line between the

county of Mercer and the county of Hunterdon; and the corporate name of the inhabitants of the said township of Hopewell shall hereafter be "the Inhabitants of the township of Hopewell, in the county of Mercer."

SEC. 2. The judges, justices of the peace, and other officers within the limits of the territory hereby attached to the county of Mercer, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the said county of Hunterdon, until the second Monday of April next; and all courts at the time of the passing of this act existing and being within the aforesaid limits of said county of Hunterdon, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and on and after the second Monday of April next, and until their respective terms of office in the county of Hunterdon shall expire, all persons in office at the time of the passing of this act, resident within the township of Hopewell, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Mercer, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Mercer; *provided*, that all judges of the court of the common pleas and all justices of the peace shall take and subscribe the official oaths or affirmations required by law, within the said county of Mercer, on or before the first day of May next, and before they act in their respective offices as officers of the county of Mercer.

Officers to hold appointments, and courts to exercise jurisdiction, for a certain time.

Provided.

SEC. 3. All actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Hunterdon, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect reside within the limits of the township of Hopewell, or where, in any local action, the cause of action arose within that township, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Mercer, and the

Actions, &c., in Hunterdon not to be affected.

Provided.

cause tried therein, as if the said action had originally been commenced in said county.

Judgments,
&c., obtained in
Hunterdon, to
be of same force
in Hopewell.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Hunterdon, upon any action, suit, or proceeding actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the said township of Hopewell as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officers of said county, who is hereby authorized and directed to execute the same within the limits of the said county of Mercer, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Act, when to
take effect.

SEC. 5. This act shall go into effect immediately after the passage thereof.

Approved, February 5, 1845.

AN ACT to authorize the board of chosen freeholders of the county of Cape May to build a bridge over Cape Island creek.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Bridge over C.
Island creek au-
thorized.

The board of chosen freeholders of the county of Cape May are hereby authorized, whenever in their opinion the public convenience may require it, to erect and build a bridge over Cape Island creek, in the county of Cape May, at or near Schellinger's landing, at the place where the public road has been recently laid to cross the same.

Approved, February 5, 1845.

AN ACT to confirm the last will and testament of George Dillin, deceased.

WHEREAS George Dillin, late of the township of Jackson, in the county of Monmouth, in this state, in and by his last will and testament in writing, signed, sealed, and published in the presence of two subscribing witnesses, bearing date the fifth day of September, in the year of our Lord one thousand eight hundred and thirty-four, did, among other things, on the death of his wife, Sarah Dillin, order his estate divided between Sharlet Dillin and John Dillin, or the survivor of either; and whereas the said Sarah and Sharlet Dillin have departed this life, leaving the said John Dillin sole survivor; and whereas, by reason of there being but two subscribing witnesses to the said will of the said George Dillin, deceased, the same is insufficient to pass real estate, and the said devise therein to the said John Dillin is void and unavailing, and thereby the clear intention of the said testator, George Dillin, deceased, has been entirely defeated; and it appearing by the petition of the said John Dillin, verified by affidavit, that the said testator left no heirs at law, and that the intention of the said testator would be effected by confirming his will—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

The said last will and testament of the said George Dillin, late of the township of Jackson, in the county of Monmouth, deceased, bearing date as aforesaid, and the several bequests and devises therein contained, shall be, and the same are hereby declared to be as good, valid, and effectual in law, to all intents and purposes, as if the said will had been executed, published, signed, and declared in the presence of three subscribing witnesses, in the manner prescribed by law.

Will of G. Dillin confirmed.

Approved, February 5, 1845.

A further supplement to the act entitled, "An act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the twenty-seventh of December, eighteen hundred and twenty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Appointment of additional commissioners authorized.

SEC. 1. The governor of this state be, and he is hereby authorized to name, appoint, and commission one or more commissioners in each, or such of the several territories of the United States and the District of Columbia, as he may think expedient, and where such appointments shall not be incompatible with the laws of the territory or district where such commissioner or commissioners may reside; which commissioner or commissioners shall have the same authority, powers, privileges, and remunerations which are granted to the commissioners of the respective states, by the act to which this is a supplement.

Act, when to take effect.

SEC. 2. This act shall take effect immediately after the passage thereof.

Approved, February 12, 1845.

A further supplement to "An act to set off the township of Van Vorst, in the county of Hudson."

Preamble.

WHEREAS, by the seventh section of an act supplemental to "An act to set off the township of Van Vorst, in the county of Hudson," which said supplement was passed the twenty-ninth day of February, A. D. eighteen hundred and forty-four, it was enacted that said act should go into operation on and after the second Monday in April, then next, provided it should be approved by three-fifths of all the legal voters of the said township, at a public meeting to be called for that purpose, upon ten days' previous notice thereof, by written advertisements to be set up by the township committee of said township, and it should then, if approved, be considered a public act; and whereas the said supplemental act has been submitted for the approval of the legal voters of the said township, at an election for that purpose held in said township, at which election sixty-four votes were given

in favour of said law, and three votes were given against the same;—and whereas doubts have arisen whether the whole number of votes given at such election did amount to three-fifths of all the legal voters of the said township, and doubts have arisen as to the validity of said supplemental act; and whereas taxes have been assessed, under the authority given by the said supplemental act, and improvements have been made by virtue of the power and authority therein contained—now therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The said act entitled, “A supplement to an act entitled, an act to set off the township of Van Vorst, in the county of Hudson,” passed the twenty-ninth of February, A. D. eighteen hundred and forty-four, be, and the same is hereby declared to be valid and in force; and that all acts, doings, and proceedings, which have heretofore been had or done, and which shall have been in pursuance of the powers and authorities conferred by the said supplemental act, passed, as aforesaid, on the twenty-ninth day of February, A. D. eighteen hundred and forty-four, be declared valid and operative in law, in the same manner and to the same extent, as if the said supplemental act had become a law of this state on the second Monday in April, A. D. eighteen hundred and forty-four.

Former act declared valid.

SEC. 2. The assessments authorized to be made by virtue of the said supplemental act, shall hereafter be made upon petition of the owners of a majority of the lots interested in such improvement for which such assessment shall be made.

Assessments, how made.

SEC. 3. In case of a vacancy in any office of the said township, occasioned by death, disqualification to hold such office, resignation, or removal from said township, such vacancy shall be filled by a majority of the town committee of the said township; and the officer or officers so appointed by the said town committee shall hold their offices till the next annual election in the said township, and till others officers shall be appointed to supply such vacancy.

Vacancies, how supplied.

SEC. 4. This act shall take effect immediately after the passage thereof.

Act, when to take effect.

Approved, February 12, 1845.

AN ACT to extend the act incorporating state banks in New Jersey.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Provisions of former act extended.

SEC. 1. The act entitled, "An act to establish state banks in New Jersey," passed January twenty-eighth, one thousand eight hundred and twelve, with the supplements thereto, be, and the same are hereby extended and declared to be continued, so far as regards "the president, directors, and company of the State Bank at Morris," until the first Monday in February, in the year of our Lord one thousand eight hundred and sixty-six.

Act may be altered, &c.

SEC. 2. The legislature may at any time hereafter modify or repeal this act.

Approved, February 13, 1845.

AN ACT to incorporate the Hudson County Dry Dock and Wet Dock Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of corporators.

Style of incorporation.

SEC. 1. Dudley S. Gregory, Timothy L. Smith, William B. Jenkins, Darwin F. Rockwell, Peter McMartin, Henry M. Traphagen, Benjamin O. Edge, John G. McLaughlin, Selah Hill, Charles P. Lewis, and Luke Hemenway, and others, their associates, successors, and assigns, shall be, and hereby are constituted and declared to be a body corporate and politic, by the name of "the Hudson County Dry Dock and Wet Dock Company," for the purpose of building, erecting, and constructing dry docks or wet docks, and other conveniencies and structures, to be used to raise, repair, and build ships and boats, whether propelled by steam or any other method; and also for the purpose of building and procuring work and machine shops, necessary and convenient, where the work, repairs, and erections can be done and made, for the useful and successful operation of the said dry docks and wet docks; and also to build and construct all such piers, bulkheads, and abutments as may be necessary or desirable to aid in the accomplishment of the

purpose of this act, the same to be situated in the county of Hudson, in this state; and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, either in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and all other real estate which shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts, and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company; and the said corporation shall have the power to lease or hire such lands, tenements, and hereditaments as may be necessary and convenient to carry into effect the objects of the said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of the said corporation, and put the same in execution; *provided* they be not contrary to the laws of this state or of the United States.

General powers.

Provided.

SEC. 2. The stock, property, and concerns of the said company shall be managed and conducted by eleven directors, being stockholders, one of whom shall be president, who shall hold their offices for one year; the election for said directors shall be held in the township of Jersey City, in said county of Hudson, at such time and place in said township, and in such manner, as shall be directed by this act and by the by-laws of this corporation; public notice shall be given of the election, not less than twenty days previous, in a newspaper or newspapers, printed and published in this state, nearest the place where the said election shall be held; the said election shall be made by such of the stockholders of this corporation as shall attend for that purpose in their proper persons or by proxy; all elections for directors shall be by ballot; each stockholder shall be entitled to one vote for every share by him held, not exceeding five shares, and one vote for every additional five shares; the candidates having the greatest number of votes, being stockholders, shall be directors; the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall be held and another board of directors chosen; the directors so chosen may appoint such officers and superintendents as they may deem expedient, at such compensation as they may think proper, and remove the

Mode of election of directors.

Directors to appoint officers.

Vacancies, how
supplied.

same at their pleasure; which said appointments, removals, and compensation shall be made and ordained when not less than a majority of the whole number of directors shall be present; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors, officers, or superintendents, such vacancy shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Corporation
may make by-
laws.

SEC. 3. Six directors shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations for the management of the concerns of the said company as to them shall seem necessary and expedient, and not inconsistent to the constitution or laws of this state or the United States; and the said board of directors shall from time to time declare dividends of so much of the net profits of said corporation as they may deem advisable; but no part of the capital stock shall be divided during the continuance of this charter.

Corporation not
to be dissolved
for failure to
elect on day
prescribed.

SEC. 4. In case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

First directors.

SEC. 5. Dudley S. Gregory, Timothy L. Smith, William B. Jenkins, Darwin F. Rockwell, Peter McMartin, Henry M. Traphagen, Benjamin O. Edge, John G. McLaughlin, Selah Hill, Charles P. Lewis, and Luke Hemenway shall be, and they hereby are declared to be the directors of the said corporation, from the passage of this act until an election is held as provided by this act, and, as such directors, shall have all the powers conferred upon the directors of this corporation by this act.

Amount of capi-
tal stock.

SEC. 6. The capital stock of the said corporation shall be limited to the sum of one hundred thousand dollars, to be divided into shares of fifty dollars each; the said company shall have liberty to commence business as soon as twenty thousand dollars shall have been paid in; shall be capable of taking and holding the said capital stock of twenty thousand dollars, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if the board of directors of this corporation shall deem such enlargement expedient, till the said capital stock amount to the sum of one

hundred thousand dollars, as aforesaid; the subscription to the said capital stock shall be received by Darwin F. Rockwell, William B. Jenkins, Timothy L. Smith, and Benjamin O. Edge, or any two of them; which said commissioners, or any two of them, shall open books of subscription at Jersey City, giving twenty days' previous notice, in the newspaper published at Jersey City, of the time and place when and where said books shall be kept open; and the said books shall be kept open for the space of thirty days; upon closing the said books of subscription, or within ten days thereafter, the said commissioners shall pay over to the said directors the whole amount of money which they, or any of them, may have received upon the said subscription; and it shall be lawful for the directors of the said company to demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions, not exceeding the sum of twenty dollars on each share at any one time, as they shall deem proper, giving at least thirty days' previous notice, under pain of forfeiting the said shares of said stockholders, and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in a newspaper published at Jersey City, and also in a newspaper published in the city of New York; but no two instalments shall be required to be paid within thirty days of each other.

Commissioners to open books of subscription.

SEC. 7. The stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be issued in such form, and be transferable in such manner, as shall be prescribed by the by-laws of said corporation.

Property of corporation to be deemed personal estate.

SEC. 8. The directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times, during business hours, be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the said corporation for that purpose.

Books to be open to inspection of stockholders.

SEC. 9. The president and a majority of the directors of the said company shall be residents of the state of New Jersey; no part of the funds or capital stock of the said company shall be used for banking purposes; and the legislature of this state may at any time alter, modify, or repeal this act.

Funds not to be used in banking.

SEC. 10. This act shall be and continue in force for and during the term of twenty years from the passage thereof.

Limitation.

Approved, February 13, 1845.

AN ACT to set off from the townships of Hardyston, Frankford, Newton, and Byram, in the county of Sussex, a new township, to be called the township of Sparta; and also to set off a part of the said township of Hardyston to the township of Byram, in the said county of Sussex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township of
Sparta.

SEC. 1. All those parts of the townships of Hardyston, Frankford, Newton, and Byram, in the county of Sussex, lying within the boundaries and descriptions following, to wit: beginning at a point in the centre of the Union Turnpike road, north of the tavern house of James L. Hurd, where the Morris and Sussex county line crosses said road; thence (1), in a north-westerly course, to the north-east corner of Henry L. Smith's farm; thence, the same course, to the intersection of the line between the townships of Newton and Byram, on the Brogden ridge, west of William Kinney's dwelling house; thence (2), in a northerly course, to a point of junction in the road leading from Jonah Howell's mill and the road leading from Thomas House's, by Merit Pinkney's, to Newton; from thence (3) to a poplar tree in the line between the townships of Newton and Frankford, east of the house of Peter G. Demarest; thence (4), a north-easterly course, to the intersection of the line between the townships of Hardyston and Frankford, near a white-oak tree, bearing north, forty-two degrees west, from the storehouse of Thomas Brasted; thence (5), in an easterly course, to a limestone rock, on the east bank of the road leading from Sparta to Hamburg, being near to, and the first rock north of the house lately occupied by William Martin, at Ogdensburg; from thence, a south-easterly course, touching the south bounds of Seely Powleson's farm, to the intersection of the line between the counties of Morris and Sussex; thence (6) along the same to the beginning, shall be, and the same is hereby set off from the townships of Hardyston, Frankford, Newton, and Byram, in the county of Sussex, and made a separate township, to be called and known by the name of the "township of Sparta."

Inhabitants of
township incor-
porated.

SEC. 2. The inhabitants of the said township of Sparta shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Sparta, in the county of Sussex," and vested with, and entitled to all the powers, privileges, authorities, and advantages, and subject to the like regulations and government, as other townships of this state.

Sec. 3. The inhabitants of the township of Sparta shall hold their first annual town meeting at the house of John Kelsey, innkeeper, in the village of Sparta, in said township of Sparta, on the second Monday in April next.

Time and place
of first town
meeting in
Sparta.

Sec. 4. The inhabitants of the township of Hardyston shall hold their next annual town meeting at the house of Mrs. Ward, innkeeper, in the village of Hamburg, in the said township of Hardyston, on the second Monday in April next.

Time and place
of town meeting
in Hardyston.

Sec. 5. All that part of the township of Hardyston, lying south of the first line specified in the descriptions and bounds of the said township of Sparta, be, and the same is hereby set off, and annexed to the township of Byram.

Part of Hardys-
ton annexed to
Byram.

Sec. 6. The township committees of Hardyston, Frankford, Newton, and Sparta shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of Hazlitt Slater, at Lafayette, innkeeper, in the said township of Newton, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of the said townships at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Sparta shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive.

Committees to
apportion prop-
erty:

Sec. 7. All persons residing within the limits of the said township of Sparta, who would have been entitled to a vote at the next annual town meeting of either the township of Hardyston, Frankford, Newton, or Byram, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Sparta.

Inhabitants to
vote in Sparta.

Sec. 8. All persons living within the township of Byram, by virtue of the fifth section of this act, and who would have been entitled to a vote at the next annual town meeting of the township of Hardyston, if this act had not passed, shall be entitled to a vote at the next annual town meeting of the said township of Byram.

Inhabitants to
vote in Byram.

Sec. 9. Joseph Quin, Moses Woodruff, and Lewis Sherman, or any two of them, are hereby appointed commissioners to run, survey, mark, and ascertain the several lines herein be-

Commissioners
to ascertain
boundaries of
townships.

fore mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner, and in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas in the county of Sussex, upon the application of chosen freeholders of the said county, except only that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment; and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Act, when to
take effect.

SEC. 10. The ninth section of this act shall go into effect immediately after the passage thereof, and the remaining sections shall go into effect on the second Monday of April next.

Approved, February 13, 1845.

AN ACT for the relief of Laurence Van Hook, of the county of Cape May.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Pension of \$50
to L. Van Hook.

The treasurer of this state be, and he is authorized and required to pay unto Laurence Van Hook, of the county of Cape May, a soldier of the Revolutionary war, or his order, the sum of fifty dollars per annum during his natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made the first day of March next: and the receipt of the said Laurence Van Hook, or his order, shall be a sufficient voucher to the treasurer in the settlement of his accounts.

Approved, February 13, 1845.

AN ACT respecting the powers and duties of the president of the Senate.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The powers, privileges, duties, and remunerations granted to, or imposed upon the vice president of Council by law, at and immediately before the time when the present constitution of the state took effect, shall hereafter be exercised, enjoyed, and performed by the president of the Senate, so far as the same are not inconsistent with the present constitution; and all such powers or duties heretofore exercised or performed by the president of the Senate, are hereby ratified and confirmed, and shall have the same force and effect as if exercised or performed after the passage of this act.

President of Senate to exercise powers of vice president of Council.

SEC. 2. This act shall take effect immediately after the passage thereof.

Act, when to take effect.

Approved, February 14, 1845.

REANNEXATION OF TEWKSBURY

AN ACT to reannex the township of Tewksbury, in the county of Somerset, to the county of Hunterdon.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All that part of the county of Somerset embraced within the limits of the township of Tewksbury shall be, and the same is hereby attached to, and made a part of the county of Hunterdon, and shall be subject to all the laws which the county of Hunterdon now is, or may be subject to; and the boundary line between the said township of Tewksbury and the township of Bedminster, in the county of Somerset, shall be hereafter the boundary line between the county of Somerset and the county of Hunterdon; and the corporate name of the inhabitants of the said township of Tewksbury shall hereafter be "the Inhabitants of the township of Tewksbury, in the county of Hunterdon."

Tewksbury re-annexed to Hunterdon.

SEC. 2. The judges, justices of the peace, and other officers, within the limits of the territory hereby attached to the county

Officers to hold appointments, and courts to exercise jurisdiction, for a certain time.

of Hunterdon, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of the said county of Somerset, until the second Monday of April next; and all courts at the time of the passing of this act existing and being within the aforesaid limits of said county of Somerset, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and on and after the second Monday of April next, and until their respective terms of office in the county of Somerset shall expire, all persons in office at the time of the passing of this act, resident within the township of Tewksbury, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Hunterdon, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Hunterdon; *provided*, that all judges of the court of the common pleas, all justices of the peace, and commissioners for taking the acknowledgment and proof of deeds, shall take and subscribe the official oaths or affirmations required by law, within the said county of Hunterdon, on or before the first day of May next, and before they act in their respective offices as officers of the county of Hunterdon.

Provide.

Actions, &c., in Somerset not to be affected.

SEC. 3. All actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Somerset, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect reside within the limits of the township of Tewksbury, or where, in any local action, the cause of action arose within that township, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Hunterdon, and the cause tried therein, as if the said action had originally been commenced in said county.

Provide.

Judgments obtained in Somerset county, to be of same force in Tewksbury.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Somerset, upon any action, suit, or proceeding actually commenced or depend-

ing before the second Monday of April next, shall be of the same force and effect within the said township of Tewksbury as if this act had not been passed, and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of the said county of Hunterdon, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid; and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

SEC. 5. This act shall go into effect immediately after the passage thereof. Act, when to take effect.

Approved, February 14, 1845.

AN ACT to establish a new township in the county of Cumberland, to be called the township of Bridgeton.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All that part of the township of Deerfield, in the county of Cumberland, contained within the following bounds, that is to say: beginning at the mouth of the stream called Ogden's, or Stone-bridge run, where it empties into Cohansey creek; thence, up the middle of said run, or natural water-course, the several courses thereof, to the western line of Samuel W. Seeley's line of land, where it crosses said run; thence, a straight course, to the head of Lebanon branch, about or at the late Joel Smith's corner of land; thence, down Lebanon branch, the several courses thereof, to the foot of Chatfield branch; thence, up said branch, the several courses thereof, to the head thereof; thence, a straight course, to the head of Coney's, or Parvin's branch; thence, down said branch, the several courses thereof, to Cohansey creek; thence, up the middle of said creek, to the place of beginning, shall be, and hereby is set off from the township of Deerfield, in the county of Cumberland, to be called and known by the name of "the town-

Boundaries of township.

ship of Bridgeton:" this act shall take effect and be in force on and after the first Monday of March next.

Inhabitants incorporated.

SEC. 2. The inhabitants of the township of Bridgeton are constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of Bridgeton, in the county of Cumberland," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Cumberland are or may be entitled or subjected to by existing laws of this state.

Time and place of first town meeting in Bridgeton.

SEC. 3. The inhabitants of the township of Bridgeton shall hold their first town meeting at the house of Edmund Davis, innkeeper, in Bridgeton, in the said township of Bridgeton, on the second Tuesday of March next.

Time and place of town meeting in Deerfield.

SEC. 4. The inhabitants of the township of Deerfield shall hold their next town meeting at the school-house in Deerfield-street, in the said township of Deerfield, on the second Tuesday of March next.

Committees to allot and divide property.

SEC. 5. The town committees of the townships of Bridgeton and Deerfield shall meet on the Monday next after the annual town meeting in the said townships of Bridgeton and Deerfield, at the inn of Edmund Davis, in Bridgeton, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due, in proportion to the taxable property and rates, as taxed by the assessor, within their respective limits, at the last assessment; and the inhabitants of the township of Bridgeton shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division; and the division of a majority of those present shall be final and conclusive.

Approved, February 18, 1845.

AN ACT to divide the township of Knowlton, in the county of Warren, and to establish a new township in said county, to be called the township of Blairstown.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All that part of the township of Knowlton, in the county of Warren, lying within the following boundaries, to wit: beginning in the line between Hope and Knowlton townships, at or near a hickory tree which stands near the house of Daniel McKean, and south-west from the free school-house; thence, running a straight line, to the north-east corner of the Knowlton church; thence north, forty degrees west, to the middle of the great road between Daniel Van Scoten's and Hainesburg, formerly Sodom; thence, running on a line parallel with the line between Knowlton and Hardwick townships, to the Pahaquary township line, on the top of the Blue ridge; thence, by the Pahaquary line, to the Hardwick line; thence, by the Hardwick line, to the Hope line; thence, by the Hope line, to the place of beginning, shall be, and the same is hereby set off from the township of Knowlton, and is hereby established into a new township, to be known by the name of "the township of Blairstown."

Boundaries of township.

SEC. 2. The inhabitants of the said township of Blairstown shall be, and they hereby are constituted a body politic and corporate, and shall be styled and known as "the Inhabitants of the township of Blairstown, in the county of Warren," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Warren are or may be entitled or subject to by the laws of this state.

Inhabitants incorporated.

SEC. 3. The inhabitants of the said township of Blairstown shall hold their first annual town meeting at the house of John Hull, in the township of Blairstown, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Warren.

First town meeting, when and where held.

SEC. 4. The township committees of the townships of Knowlton and Blairstown shall meet, on the Monday next after their first annual town meetings, at the house of Isaac Leyda, in the township of Knowlton, at one o'clock in the afternoon, and shall then and there proceed, by writing, signed by a majority of the members of each committee, to allot and divide between the said townships all the property or moneys on hand or due,

Committees to allot property, &c.

or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessors, within the respective limits of said townships, at the last assessment, and may adjourn the said meeting, from time to time, unto such time and place as a majority of those present may think proper; and the township of Blairstown shall be liable to pay a just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their division, or a division of a majority of them, shall be final and conclusive.

Commissioners
to survey lines,
&c.

SEC. 5. Simeon Cook, Aaron Ogden Bartow, and Henry Mingle, or any two of them, shall be, and they are hereby appointed commissioners to run, survey, mark, and ascertain the several lines herein before mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner, in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas of the county of Warren, except, only, that it shall not be necessary for said commissioners to give notice of the time and place of meeting to perform the duties of their said appointment; and the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Right of town-
ship in surplus
revenue not im-
paired.

SEC. 6. Nothing in this act shall be so construed as to impair, or in anywise affect the right of the said township of Blairstown of, in, and to any portion of the surplus revenue of the general government, to which the said township may now, or at any time hereafter be entitled, in the distribution of said surplus revenue.

Act, when to
take effect.

SEC. 7. This act shall take effect on the day of holding the first annual town meeting of the said township of Blairstown.

Approved, February 20, 1845.

AN ACT to incorporate the Hunterdon County Mutual Fire Insurance Company.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. Jacob P. Fisher, John Coryell, Burrowes Hunt, James D. Stryker, Samuel Husselton, John H. Smith, Jacob S. Gary, Isaac Matthews, Alexander Coryell, Alexander Grant, Jacob B. Smith, Sidney Blackwell, Charles O. Holcomb, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Hunterdon County Mutual Fire Insurance Company," for the purpose of ensuring their respective dwelling-houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, either in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure, for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution; *provided*, that they be not contrary to the constitution of this state or of the United States.

Names of corporators.

Style of incorporation.

General powers.

SEC. 2. All persons who shall ensure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be ensured in said corporation, as herein after provided, shall thereby become members thereof, during the period they shall remain ensured by the said corporation, and no longer.

Persons ensuring to be members of incorporation.

SEC. 3. All the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, a majority of whom shall be citizens and residents, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled, for the

Affairs of corporation to be managed by thirteen directors.

remainder of the year, by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and the said Jacob P. Fisher, John Coryell, Burrowes Hunt, James D. Stryker, Samuel Husseilton, John H. Smith, Jacob S. Gary, Isaac Matthews, Alexander Coryell, Alexander Grant, Jacob B. Smith, Sidney Blackwell, and Charles O. Holcomb shall be the first directors of said corporation; which board of directors shall hereafter be elected in each year, at such time and place, in Lambertville, in the county of Hunterdon, as the said corporation, in their by-laws, shall appoint, of which election public notice shall be given, in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election; which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors, and shall be made by ballot and by plurality of votes of the members, or their proxies, then present, allowing one vote for every five hundred dollars ensured in said company; *provided always*, that each member shall have at least one vote, and that no member shall have more than five votes.

First directors.

Time and mode of annual election.

Previso.

Board of directors to appoint officers, &c.

SEC. 4. The board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of ensurance.

Policies valid with or without seal.

SEC. 5. All policies, and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, and attested by the secretary, and, being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions as shall be contained in the policy.

Terms of effecting ensurance.

SEC. 6. Every person who shall become a member of said corporation, by effecting ensurance therein, shall, before he receives his policy, deposite his promissory note, with good security, for such a sum of money as shall be determined by the directors to be the premium for said ensurance, and that a part, not exceeding twenty per centum of said note, shall be immediately paid, and the remainder of said deposite shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for trans-

acting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses accruing during said term shall have been provided for, according to the provisions of this act, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Surplus money may be loaned.

SEC. 7. When any property ensured by the said corporation shall be alienated, by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender the ensured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him, for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note or notes as shall remain unpaid; and, by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

Policy may be surrendered when property is alienated.

SEC. 8. Suits at law or in equity may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any cause relating to the business of said corporation; also, suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause on account of his being a member of said corporation.

Suits may be maintained against members for deposit notes.

SEC. 9. The directors shall, after receiving due notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same, in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within sixty days next

Duties of directors in ascertaining loss by fire.

after the publication of said notice; and if any member shall, for the space of sixty days after the publication of said notice, neglect or refuse to pay the sum assessed to him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after sixty days from the expiration or cancellation of his or her policy.

Assessments on members, when and how made.

SEC. 10. Whenever and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note, and assessment among the sufferers by such fire, who have been ensured by said company, in proportion to their losses and the amounts by them respectively ensured; but no such assessment of a greater amount than one dollar on every hundred dollars, by the members respectively ensured, shall at any time be made for the loss or damage occasioned by any one fire; and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

Transfers to be entered on books.

SEC. 11. No transfer of any policy of insurance of the said corporation shall be valid until entered into the books of the company, and certified on such policy by the secretary.

Duties of secretary.

SEC. 12. It shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of the said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company, or board, from time to time, by their by-laws may direct.

Place of business.

SEC. 13. The operations and business of the corporation shall be carried on and conducted at such place, in Lambertville, as shall be designated by a majority of the directors present at any regular meeting.

Directors to make annual statement.

SEC. 14. At every meeting of the said company, the directors for the time being shall make and exhibit a full and true

statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of the said company.

SEC. 15. The said company shall not, by virtue of any of the provisions of this act, exercise banking privileges, directly or indirectly. Company not to engage in banking.

SEC. 16. This act shall continue in force twenty years, and no longer, and the same may be, at any time hereafter, amended or repealed by the legislature. Limitation.

Approved, February 21, 1845.

AN ACT to incorporate the Hudson River Steamboat Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Abraham Van Santvoord, James M. Hoyt, Peter McMartin, Luke Hemenway, James G. Gregory, Alfred Van Santvoord, Ira Dodd, and their associates, and all persons who may hereafter be holders of the stock herein after named, and their successors, are hereby declared and constituted a body politic and corporate, in fact and in law, by the name of "the Hudson River Steamboat Company," to be located at Jersey City, in this state; and, by that name, the said corporation shall have succession, with power to sue and be sued, complain and defend, in any court of law or equity; and to make and use a common seal, and alter the same at pleasure; may acquire, by purchase or otherwise, and hold, lease, and convey such real and personal estate as may be necessary and useful for the purposes and objects of this incorporation. Names of corporations.

Style of incorporation.

General powers.

SEC. 2. The capital stock of the said corporation shall be five hundred thousand dollars, in shares of one hundred dollars each; and if the said capital stock of five hundred thousand dollars shall be subscribed for, and all paid in, within six calendar months after the passage of this act, the directors of the said company shall have the power to enlarge the amount of the capital stock, to any sum they may deem for the interest of said company, not to exceed the sum of seven hundred thousand dollars. Commissioners to receive subscriptions.

SEC. 3. The said Abraham Van Santvoord, James M. Hoyt, Peter McMartin, Luke Hemenway, James G. Gregory, Alfred Van Santvoord, and Ira Dodd, or a majority of them, are hereby appointed commissioners to receive subscriptions for said stock, at such times and places, in Hudson county, as they, or a majority of them, may direct, giving at least twenty days' notice thereof, by publishing the same in at least two newspapers published in this state, one in the county of Hudson and the other in the county of Essex; and the said commissioners shall open a book of subscription for said stock at such times and places, and shall cause the same to be kept open at the places so appointed, at least three successive days, from ten o'clock in the forenoon, to four o'clock in the afternoon of each day; and if at any time there shall be a subscription for more shares of stock than are authorized to be subscribed at one time, the same shall be apportioned among the subscribers, in proportion to the amount by them severally subscribed.

Amount of subscription, how paid.

SEC. 4. At the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, after deducting therefrom the expenses incurred by the commissioners in receiving subscriptions as aforesaid; and the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, they giving at least thirty days' public notice thereof, by publishing the same in the manner aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any one of them, to and for the use of the company.

Seven directors to be chosen.

SEC. 5. When five thousand shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as is herein before directed with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be the judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors; and at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share, by the holder thereof, in person

or by proxy; *provided always*, that the president, treasurer, and a majority of the directors shall be residents of the state of New Jersey; *and further provided*, that if it shall so happen that an election of directors should not take place in any year, at the annual meeting of the stockholders, as herein above appointed, the said corporation shall not for that reason be dissolved, but such election may be had thereafter, on any convenient day within one year, to be fixed on by the then last board of directors, who are to give at least twenty days' notice of the time and place of meeting, as is herein before directed with regard to the annual meeting.

Proviso.
Corporation not to be dissolved for failure to elect on day prescribed.

SEC. 6. As soon as may be after their election, the said directors shall elect one of their number to be president of said company; and all the affairs, concerns, and business of the said corporation shall be managed by the said directors, who, or a majority of whom, may supply any vacancy occurring in the interval between annual elections, by the death, resignation, or refusal to act of any president or director; and shall have power to make all such by-laws, rules, and regulations, not inconsistent with the constitution or laws of this state or of the United States, for the management of the property, the regulation of the affairs, and the transfer of the stock of this corporation, and to appoint all such officers, clerks, agents, and servants as may be necessary and useful for ordering, regulating, and conducting the affairs of said corporation, and for the safe keeping and protection of its funds and property, and allow them a suitable compensation.

Directors to appoint officers.

SEC. 7. The capital stock of this company shall be considered as personal property, transferable upon the books of the company, and shall be employed as the said board, or a majority thereof, may deem expedient, in the purchasing, building, repairing, and altering any vessel or vessels propelled by steam, and in the navigation of the same, and in the purchase, repair, and building of suitable landing places, wharves, and store-houses which may be necessary for successfully conducting the affairs of the said company; and it shall be the duty of the said board, or a majority thereof, to make, from time to time, such dividends of the net profits of the said company as they may deem advisable.

Capital stock, how to be employed.

SEC. 8. The company hereby incorporated shall not employ its capital, or any part thereof, in banking operations, or for any other purposes inconsistent with the provisions of this act.

Capital stock not to be used in banking.

SEC. 9. This act shall continue in force for twenty years, unless sooner modified or repealed; and the legislature may at any time hereafter alter, modify, or repeal the same.

Limitation.

Approved, February 21, 1845.

AN ACT to reannex a part of the Upper Township, in the county of Cape May, to the township of Maurice River, in the county of Cumberland.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Part of Upper
Township rean-
nexed to Mau-
rice River.

SEC. 1. All that part of the Upper Township, in the county of Cape May, which formerly belonged to the township of Maurice River, in the county of Cumberland, and lying on the north-west side of the ancient boundary line between the counties of Cumberland and Cape May, and which was set off from the county of Cumberland, and attached to the county of Cape May, by an act entitled, "An act to reannex the township of Hopewell, in the county of Mercer, to the county of Hunterdon, and to straighten the county lines between Cape May and Cumberland," passed March thirteenth, eighteen hundred and forty-four, be, and the same is hereby set back, restored, re-annexed; and attached to the township of Maurice River, in the county of Cumberland; and the straight boundary line which was established and existed before the passage of the act above mentioned, is hereby declared and re-established as the boundary line between the counties of Cumberland and Cape May, the same as if such act had never been passed.

Officers to hold
appointments,
and courts to
exercise juris-
diction, for a
certain time.

SEC. 2. The judges, justices of the peace, and other officers within the limits of the territory hereby attached to the county of Cumberland, shall continue to hold, exercise, and enjoy their several respective offices and appointments, with the powers and privileges thereto belonging, within the limits of said county of Cumberland, until the second Tuesday in March next; and all courts at the time of the passing of this act existing and being within the limits of said territory, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and on and after the second Tuesday in March next, and until their respective terms of office in the county of Cape May shall expire, all persons in office at the time of the passing of this act resident within the said territory, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Cumberland, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Cumberland; *provided*; that all judges of the court of common pleas and all justices of the peace shall take and subscribe

the official oaths or affirmations required by law, within the said county of Cumberland, on or before the first day of May next, and before they act in their respective offices as officers of the county of Cumberland.

SEC. 3. All actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Cape May, as the same stood before the passing of this act, before the second Tuesday in March next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect reside within the limits of the territory above mentioned, or where, in any local action, the cause of action arose within said territory, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the county of Cumberland, and the cause tried therein, as if the said action had originally been commenced in said county.

Judgments obtained in Cape May, to be of same force in Cumberland.

Proviso.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Cape May, upon any action, suit, or proceeding actually commenced or depending before the second Tuesday of March next, shall be of the same force and effect within the territory mentioned in the first section of this act as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of said county of Cumberland, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Actions in C. May not to be affected.

SEC. 5. This act shall go into effect immediately after the passage thereof.

Act, when to take effect.

Approved, February 26, 1845.

AN ACT to set off from the township of Jackson, in the county of Monmouth, a new township, to be called the township of Plumsted.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Boundaries of township.

SEC. 1. All that part of the township of Jackson, in the county of Monmouth, lying west of the following line, to wit: beginning in the middle of the Lahaway creek, where the public road crosses the same, near Moses Ivins's grist-mill and in the line dividing the townships of Upper Freehold and Jackson; and running thence, along the middle of said public road, to the Monmouth road, near Moses Ivins's dwelling-house; and from thence, along the middle of the Manahawkin road, in a southwardly direction, to where the same intersects the line of the township of Dover, shall be, and the same is hereby set off from the said township of Jackson, and made a separate township, to be called and known by the name of "the township of Plumsted."

Inhabitants incorporated.

SEC. 2. The inhabitants of the said township of Plumsted shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Plumsted, in the county of Monmouth," and vested with, and entitled to all the powers, privileges, authorities, and advantages, and subject to the like regulations and government, as other townships of this state.

First town meeting, when and where held.

SEC. 3. The inhabitants of the township of Plumsted shall hold their first annual town meeting at the house of Isaac Cliver, innkeeper, in the village of New Egypt, in said township of Plumsted, on the day appointed by law for holding the annual town meetings in the other townships in the county of Monmouth.

Committees to allot property, &c.

SEC. 4. The township committees of Jackson and Plumsted shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at the house of Joseph Ralph, innkeeper, in the said township of Plumsted, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of the said townships, at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Plumsted shall be liable to pay

their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive.

SEC. 5. All paupers who may be chargeable to the said township of Jackson at the time this act goes into operation, shall thereafter be chargeable to, and supported by that township within the bounds of which they have acquired their settlements, respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements. Settlement of paupers.

SEC. 6. All persons residing within the limits of the said township of Plumsted, who would have been entitled to a vote at the next annual town meeting of the township of Jackson, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Plumsted. Inhabitants, where to vote.]

SEC. 7. This act shall go into effect on the second Tuesday in March next. Act, when to take effect.

Approved, February 26, 1845.

AN ACT to renew the charter of the Farmers and Mechanics Bank of Rahway.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The act entitled, "An act to incorporate the Farmers and Mechanics Bank of Rahway," passed February seventh, in the year of our Lord one thousand eight hundred and twenty-eight, be, and the same is hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance. Further extension of charter.

SEC. 2. The notice for the election of directors, and for the payment of the capital stock of said bank by instalments, by the third section of said act, required to be given "in one of the newspapers printed at Rahway, New Brunswick, and Elizabethtown," shall be given only "in the newspapers printed in Rahway." Notice of election of directors, how given.

SEC. 3. The cashier of the said bank shall be appointed by the directors, and shall continue in office during the pleasure

Cashier, how
appointed.

of the board; the votes of seven directors shall be necessary to a choice of such cashier; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office; which bond, with the sureties, shall be renewed at the expiration of every five years, or oftener, if the said directors shall require it.

Annual state-
ment to be made

SEC. 4. Between the first and fifteenth days of January, in each and every year, the president and cashier, under the seal of the corporation, and under oath or affirmation, shall furnish to the treasurer of the state, to be laid before the legislature, a correct statement of the stock of said bank, the manner in which the same is employed, of their debts and credits; and if they fail to render such statement this act shall be void.

Part of former
act repealed.

SEC. 5. All sections and parts of sections in said act contained, inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

Act, when to
take effect.

SEC. 6. This act shall take effect immediately upon the expiration of the term, in and by the said act entitled, "An act to incorporate the Farmers and Mechanics Bank of Rahway," limited for the continuance thereof.

Approved, February 26, 1845.

AN ACT to defray incidental expenses.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Certain inci-
dental charges
directed to be
paid.

It shall be lawful for the treasurer of this state to pay to the several persons herein after mentioned, the following sums, viz:

1. To Augustus S. Barber, for publishing the constitution, and governor's proclamations relative thereto, six weeks in "Constitution," one hundred dollars.
2. To Franklin S. Mills, for publishing the constitution, and governor's proclamations relative thereto, in the weekly and tri-weekly "Sheet Anchor," for six weeks, two hundred dollars.
3. To Israel Wells, for publishing the constitution, and governor's proclamations relative thereto, in "Sunbeam," one hundred dollars.

4. To Charles P. Smith, for publishing the constitution, and governor's proclamations relative thereto, in "National Standard," one hundred dollars.

5. To Southard & Post, for publishing the constitution, and governor's proclamations relative thereto, in the "Jersey City Advertiser," one hundred dollars.

6. To Lewis Moore, for publishing the constitution, and governor's proclamations relative thereto, in the "New Jersey Advocate," one hundred dollars.

7. To Day & Warren, for publishing the constitution, and governor's proclamations relative thereto, in the "Paterson Intelligencer," seventy-two dollars.

8. To Andrew Mead, for publishing the constitution, and governor's proclamations relative thereto, in the "Passaic Guardian," one hundred dollars.

9. To William B. Kinney, for publishing the constitution, and governor's proclamations relative thereto, advertising court of appeals, and governor's proclamation for three hundred dollars reward, in "Newark Daily" and "Sentinel and Daily Advertiser," six weeks in each, two hundred and six dollars.

10. To J. S. Hull and A. S. Lum, for publishing the constitution and governor's proclamations relative thereto, in the "Morristown Jerseyman," one hundred dollars.

11. To Josephus Shaun, for publishing the constitution, and governor's proclamations relative thereto, in the "Rahway Republican," ninety-six dollars and fifty cents.

12. To Allan Wilson, for publishing the constitution, and governor's proclamations relative thereto, in the "Belvidere Apollo," one hundred dollars.

13. To William Whiteley, for publishing the constitution, and governor's proclamations relative thereto, in the "Temperance Herald," one hundred dollars.

14. To J. T. Robinson, for publishing the constitution, and governor's proclamations relative thereto, in the "Princeton Whig," ninety-eight dollars.

15. To Lewis C. Vogt, for publishing the constitution and governor's proclamations relative thereto, in the "Democratic Banner," one hundred dollars.

16. To J. L. Powell, for publishing the constitution, and governor's proclamations relative thereto, in the "Burlington Gazette," ninety-eight dollars.

17. To George Ottinger, for publishing the constitution, and governor's proclamations relative thereto, in the "Burlington County Herald," one hundred dollars.

18. To John H. Hall, for publishing the constitution, and

governor's proclamations relative thereto, in the "*Sussex Register*," eighty-two dollars and seventy-five cents.

19. To D. G. Fitch, for publishing the constitution, and governor's proclamations relative thereto, in the "*Warren Journal*," one hundred dollars.

20. To T. B. Crowell, for publishing the constitution, and governor's proclamations relative thereto, in the "*New Jersey Eagle*," one hundred dollars.

21. To Philip J. Gray, for publishing the constitution, and governor's proclamations relative thereto, in the "*Camden Mail*," one hundred dollars.

22. To Thomas S. Allison, for publishing the constitution, and governor's proclamations relative thereto, in the "*Somerset Messenger*," one hundred dollars.

23. To Bosse & Curts, for publishing the constitution, and governor's proclamations relative thereto, in the "*American Eagle*," one hundred dollars.

24. To Mrs. J. Palmer, for publishing the constitution, and governor's proclamations relative thereto, in the "*New Jersey Mirror*," eighty-five dollars and eighty-seven cents.

25. To Lewis R. Stelle, for publishing the constitution, and governor's proclamations relative thereto, in the "*New Brunswick Times*," seventy-seven dollars and seventy-five cents.

26. To Charles Burritt, for publishing the constitution, and governor's proclamations relative thereto, in the "*New Jersey Journal*," one hundred dollars.

27. To Milton F. Cushing, for publishing the constitution, and governor's proclamations relative thereto, in the "*Plainfield Union*," one hundred dollars.

28. To George C. Seymour, for publishing the constitution, and governor's proclamations relative thereto, in the "*Hunterdon Democrat*," one hundred dollars.

29. To Joseph A. Yard, for publishing the constitution, and governor's proclamations relative thereto, in the "*Emporium and True American*," one hundred dollars.

30. To Sherman & Harron, for publishing the new constitution, and governor's proclamations relative thereto, in the weekly and tri-weekly "*State Gazette*," one hundred and ninety-nine dollars and twenty-one cents.

31. To Phillips & Boswell, for publishing the constitution, and governor's proclamations relative thereto, in the "*Clay Banner*," one hundred dollars.

32. To William Napton, former doorkeeper of the House of Assembly, for taking care of the assembly room through the

summer and fall of eighteen hundred and forty-four, thirty dollars.

33. To Samuel R. Hamilton, quartermaster general, for freight and cartage of muskets, four dollars and sixty-nine cents.

34. To Thomas Arrowsmith, treasurer, for travelling expenses to Philadelphia and Paterson, to receive dividends on stock, interest on bonds, and for packing state pamphlet laws, minutes of assembly, journals of council, including boxes, cloth, twine, &c., and for office rent from November ninth, eighteen hundred and forty-three, to January first, eighteen hundred and forty-five, including fuel, &c., ninety-nine dollars and seventy-eight cents; and also allowance for extra service examining the late treasurer's account, &c., two hundred dollars.

35. To Richard P. Thompson, attorney general, for professional services and expenses incurred in the investigation of the lottery case, by authority of a resolution of the legislature of New Jersey, passed March fourth, eighteen hundred and forty-four, one hundred and fifty dollars.

36. To James M. Newell, for publishing the constitution, and governor's proclamations relative thereto, in the "Bridgeton Chronicle," one hundred dollars.

37. To H. C. Buffington, for publishing the constitution, and governor's proclamations relative thereto, in the "Hunterdon Gazette," one hundred dollars.

38. To Bernard Connolly, for publishing the constitution, and governor's proclamations relative thereto, in the "Monmouth Democrat," one hundred dollars.

39. To Franklin Ferguson, for publishing the constitution, and governor's proclamations relative thereto, in the "Franklin Advertiser," one hundred dollars.

40. To Joseph A. Yard, keeper, for two cane-bottomed stools in assembly room, two dollars.

41. To David Fitz Randolph, for publishing the constitution, and governor's proclamations relative thereto, in the "Fredonian," one hundred dollars.

42. To C. Yardley, for twenty tons of coal for Senate and Assembly, eighty dollars.

43. To S. G. Arnold, for publishing the constitution, and governor's proclamations relative thereto, in the "Newark Morning Post," and once a week in daily paper, two hundred dollars.

44. To S. L. B. Baldwin, for publishing the constitution, and governor's proclamations relative thereto, in the "Somerset Whig," one hundred dollars.

45. To George W. Beebe, for publishing the constitution, and governor's proclamations relative thereto, in the "Sussex County Democrat and New Jersey Herald," one hundred dollars.

Approved, February 26, 1845.

AN ACT to incorporate the Good Intent Manufacturing Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of corporators.

Style of incorporation.

General powers.

SEC. 1. Isaac Dunton, Arthur Brown, William Folwell, P. J. Gray, John L. Cooper, Jonas Livermore, Isaac R. Smith, Jacob M. Thomas, Garret Newkirk, William White, and Josiah S. Worth, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, for the purpose of manufacturing, dying, bleaching, and printing wool and cotton, and all goods of which wool or cotton, or other fibrous materials, form a part, and all the machinery incident thereto, and for the transaction of all business connected therewith, by the name of "the Good Intent Manufacturing Company;" and, by such name, they shall be, and are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever; and shall have power to make and use a common seal, and the same alter and renew at pleasure; and, by the same name, shall be capable to acquire, purchase, receive, have, hold, and enjoy, and again sell, or otherwise dispose of, such personal and real estate and property as may be necessary, useful, or convenient for the said corporation to carry on the aforesaid manufacturing operations, together with such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of any debt or debts, liability or liabilities, previously created in their business, or purchased at any sale or sales upon any judgment or judgments which shall have been obtained for any such debt or debts, liability or liabilities; and may purchase the "Good Intent Factory," with the water-power thereof; and may purchase and erect such mills, houses, and other works as they

shall deem necessary to carry on the aforesaid branches of manufacture at Good Intent, in the counties of Camden and Gloucester, and not elsewhere; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

SEC. 2. The stock, property, and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be citizens and residents in this state, being stockholders, who shall be chosen annually, on the first Monday in July, at such time and place as shall be designated by the by-laws of the said corporation, whereof public notice shall be given, not less than ten days previous thereto, in one or more newspapers printed and published in the said county of Camden; and at such elections each stockholder shall be entitled to as many votes as he or she shall hold shares of the capital stock of the said corporation; and the five stockholders having or receiving the greatest number of votes at such elections, shall be the directors of said corporation; which said directors shall choose one of their number as president; may appoint such other officers, superintendents, and agents, and allow them such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and shall hold their offices for one year, respectively, and until other directors shall be legally elected to succeed them; and all vacancies, occasioned by death, resignation, or otherwise, among the directors of said corporation, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint from among the stockholders for that purpose.

Time and mode of election of directors.

Vacancies, how to be supplied.

SEC. 3. The capital stock of the said corporation shall not exceed one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid in lawful money, and not sooner, it shall be lawful for the said corporation to commence their said business, or any part thereof, and with that capital conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time, to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as the said directors shall deem proper; and if such payments shall not be made within thirty days next after the day fixed for that purpose by public notice, previously published for the space of two weeks, at least once in each week, in one or more newspapers published in the said county of

Amount of capital stock.

Camden, designating the proportion of such payments per share, the time when, the place where, and the officer to whom the same shall be required to be made, then and in that case each and every stockholder so neglecting or refusing to make such payment shall forfeit to the corporation his, her, or their share or shares in said capital stock, and all previous payments thereon.

Books to be opened for subscriptions.

SEC. 4. The said Isaac Dunton, Isaac R. Smith, Jacob M. Thomas, Jonas Livermore, and John L. Cooper, or any three of them, may open books and take subscriptions for the capital stock, first giving two weeks' notice, in one or more newspapers published in the county of Camden aforesaid, of the time, place, and object of said meeting; and the stockholders, at a meeting called in like manner, after a sufficient amount of capital stock shall have been subscribed and paid in, may proceed to elect, by a plurality of votes of the stockholders present in person, or by their legal representatives, five directors, who shall hold their office, respectively, until the first Monday in July next ensuing the time of their said election, and until others shall be legally chosen.

Stock to be personal estate.

SEC. 5. All the stock of the said corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; and no dividend shall be made to and among the stockholders, except from and out of the actual net profits of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 6. In case at any time it should happen that an election shall not be made upon the day designated for that purpose by this act, the said corporation shall not be deemed to be dissolved for that cause; but it shall be lawful for the stockholders to hold such election on such other day or days as shall be prescribed by the by-laws of the said corporation, of which public notice shall be given, as provided in the second section of this act.

Directors may make by-laws.

SEC. 7. A majority of the directors for the time being shall constitute a board for transacting the business of the said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, property, effects, business, profits, and concerns of the said corporation; *provided*, that the same be not contrary to the constitution or laws of the United States or of this state.

Directors to make annual statement.

SEC. 8. The directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of the said corporation, which books shall be open at all times during regular business hours for the

inspection of the stockholders; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept for that purpose; and the directors shall submit to the stockholders, in the month of June annually, a written statement, under oath or affirmation, setting forth the amount of all existing debts against the said corporation, the amount of all existing debts due and owing to the said corporation, and the amount of capital stock actually paid in.

SEC. 9. This act shall continue in force twenty years; but it shall and may be lawful for the legislature of this state to alter, modify, extend, or repeal the same, whenever, in their opinion, the public good may require it. Limitation.

Approved, February 28, 1845.

AN ACT to choose overseers of roads by districts, in the township of Woodbridge, Middlesex county.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. It shall be lawful for any three or more of the inhabitants, who are residents of the road district, and who are entitled to vote at the annual township meeting, to call a meeting of the lawful voters of the road district in which they reside, by putting up, in three or more of the most public places in the district, written or printed notices, giving not less than ten days' previous notice of said meeting, and setting forth the object of the meeting to be to choose an overseer of the road district, and also designating the place for holding the meeting, which shall be somewhere in the district. Meetings to choose overseer, how called.

SEC. 2. All meetings held in virtue of this act shall be called to meet at the hour of two o'clock in the afternoon, and, in all cases, at least one week previous to the annual township meeting; annual and extra meetings shall be called and conducted in conformity to the provisions of this act for calling the first meeting. Meetings, when held.

SEC. 3. At the first road district meetings held in virtue of this act, at the hour of two o'clock in the afternoon, it shall be the duty of one of the persons who signed the call for said dis- Manner of conducting elections.

district meeting, or, in their absence or refusal to act, any other person present, being a resident of the district, and entitled to vote at the annual township meetings, to call the meeting to order, and to make known the object of the meeting to be to choose an overseer for the road district; when the meeting shall forthwith proceed, *viva voce*, to choose one person, being a resident of the district, to act as overseer of the highway of the said district for one year; and at this, and all subsequent elections held under this act, the person having the highest number of the votes of the legal voters there present shall be the overseer; the person who called the meeting to order shall be the presiding officer of the meeting and judge of the election; *provided*, that the voters of the district, so assembled, may decide whether or not they will choose an overseer according to the provisions of this act.

Proviso.

Overseers to call all subsequent meetings.

SEC. 4. It shall be the duty of the persons who are chosen overseers, at the first meetings called in virtue of this act, and their successors in office, to call all the subsequent annual meetings, by putting up written or printed notices at the proper time, and in conformity to the requirements of the first section of this act, as to the time of holding the meetings, and for what purpose, number of notices, &c.

Overseers to preside at meetings.

SEC. 5. The overseers of highways, chosen by the first meetings held in virtue of this act, and their successors in office, who may be hereafter chosen, shall attend at the time and place of holding the annual district meeting; at which meetings they shall preside, by calling them to order, and making known the object of the meeting, directing the vote to be taken, and acting as judge to decide the person having a majority of the votes.

Duties of overseers, when to commence.

SEC. 6. The official duties of overseers chosen by virtue of this act shall begin and end at the same time as if chosen at the annual township meeting.

Penalty for neglect of duty.

SEC. 7. Any overseer chosen under this act, and accepting the appointment of the same, who shall refuse or neglect to perform the duties of overseer, as required by this act, shall, upon the complaint of any person living in the district, and being a lawful voter in the same, be fined twenty dollars, in an action of debt, before any magistrate living in the township, one half of which sum of twenty dollars shall go for the use of the district, and the other half to the complainant.

Election of overseer to be reported to township clerk.

SEC. 8. It shall be the duty of the person chosen overseer of any district in the township of Woodbridge, to report the same, on or before the day of the annual township meeting, to the township clerk; and the township clerk, chosen at the annual township meeting, shall cause the same to be recorded upon the

township records; and in the event of the death or refusal of the overseer to make such report to the town clerk, any other person living in the district, being a legal voter, may do it, and shall be the duty of the town clerk to record it, the same as if made by the overseer.

SEC. 9. In the event of the death, absence, or refusal to act of the overseer chosen at the annual district meeting, the inhabitants may choose another, by calling a meeting, in the manner prescribed by the first section of this act, for the first meeting; which overseer, so chosen, shall perform all the duties, the same as if chosen at the regular annual meeting. Vacancies, how supplied.

SEC. 10. The neglect of the inhabitants of any district, in any one year, to choose an overseer for their district, shall not deprive them of the right to choose an overseer at any subsequent year, during the continuance of this act. Districts not electing, may elect on following year.

SEC. 11. It shall be the duty of the person who acts as moderator and judge of the district elections, to keep a written record of the proceedings of such meetings, including the name of the person elected as overseer, and furnish the same to the said overseer, whose duty it shall be to have the same recorded upon the road books kept by the overseer; and it shall be the duty of all overseers, chosen in virtue of this act, to have a book in which they shall record the proceedings of the district meetings, and also in which they shall keep a true account of all moneys received and paid out by them, of whom received, the time when received, and to whom and for what paid; also, the names of those who work, and the amount of work done by each person employed, and the date when done, upon and for the district, which said book shall belong to the district, and be handed over by the overseer to his successor in office. Duties of overseers.

SEC. 12. At the annual township meetings, all the districts who have neglected to elect their overseers, according to the provisions of this act, the same shall be chosen by the township meetings, the same as if this act had not been passed. Proceedings in case of failure to elect overseers.

SEC. 13. All the laws regulating the proceedings, and imposing penalties for riotous conduct and for illegal voting, applicable to township meetings, shall apply to meetings held in virtue of this act; and the moderator at the district meetings shall have the same authority to enforce the laws, as a moderator chosen at the annual township meeting. Meetings, how regulated.

SEC. 14. All overseers of highways chosen in virtue of this act, shall be subject to all the laws regulating the duties of overseers of highways chosen by the annual township meetings, where such laws do not conflict with this act.

SEC. 15. The above act shall be limited to the township of Woodbridge, in the county of Middlesex.

Act, when to
take effect.

SEC. 16. This act shall take effect immediately after its passage, and be declared to be a public law.

Approved, February 28, 1845.

AN ACT to establish a new township in the county of Burlington, to be called the township of Coaxen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township.

SEC. 1. All that part of the township of Northampton, in the county of Burlington, contained within the following bounds, to wit: beginning, in the line between the townships of Evesham and Northampton, in the south branch of Rancocus creek, at Haines's bank-landing, near Lumberton; thence, running north, seventy-four degrees and thirty-eight and a half minutes east, about fifty links, to a pine tree, marked with four blazes and twelve hacks, standing on the bank of said creek; thence, continuing the same course two hundred and eighty-five chains, to a stone standing on the edge of the bank of the north branch of Rancocus creek, near the upper side of the abutment of the bridge across said creek, near Shreveville; thence, continuing the same course about fifty links, to the middle of said creek; thence, up the middle of the said north branch of the Rancocus creek, the several courses thereof, until it strikes the line between the townships of Northampton and New Hanover; thence, still along said creek, between the townships of Northampton and New Hanover, the several courses thereof, until it strikes the line between the counties of Monmouth and Burlington; thence, along said line, until it strikes the line between the townships of Little Egg Harbour and Northampton; thence, along said line, until it strikes the line between the townships of Washington and Northampton; thence along said line, until it strikes the line between the townships of Evesham and Northampton; thence, along said line, to the place of beginning, shall be, and hereby is set off from the township of Northampton, in the county of Burlington, to be called and known by the name of "the township of Coaxen."

SEC. 2. The inhabitants of the township of Coaxen are con-

stituted a body politic and corporate, in law, and shall be styled and known by the name of "the Inhabitants of the township of Coaxen, in the county of Burlington;" and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subjected to by the existing laws of this state.

Inhabitants of township incorporated.

SEC. 3. The inhabitants of the township of Coaxen shall hold their first annual town meeting at the inn of Charles C. Shinn, in Vincentown, in the said township of Coaxen, on the second Tuesday of March next.

First town meeting in Coaxen.

SEC. 4. The inhabitants of the township of Northampton shall hold their next annual town meeting at the inn of Peter C. Stryker, in Mount Holly, in said township, on the second Tuesday of March next.

Town meeting in Northampton

SEC. 5. The township committees of the townships of Coaxen and Northampton shall meet, on the first Monday in April next, at the inn of John West, in Mount Holly, at ten o'clock in the forenoon, and then and there proceed, by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessor, within their respective limits, at the last assessment, and may adjourn the said meeting, from time to time, as a majority of those present may think proper; and the inhabitants of the township of Coaxen shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Committees to allot and divide property.

SEC. 6. This act shall take effect on and after the second Monday of March next.

Act, when to take effect.

Approved, March 1, 1845.

A supplement to an act entitled, "An act to incorporate the Burlington County Bank at Medford, to be located in the town of Medford, in the county of Burlington," passed March first, A. D. eighteen hundred and thirty-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Part of former
act repealed.

SEC. 1. So much of the second section of said act as provides "that the whole capital stock shall be paid within ten years from the passage of this act," be, and the same is hereby repealed.

Directory to
call in stock.

SEC. 2. The directors of the said bank shall have power and authority to call in, and ordered to be paid, so much of the said capital stock as remains unpaid, at such times and in such instalments as in their discretion they shall deem necessary.

Act, when to
take effect.

SEC. 3. This act shall go into operation immediately after it becomes a law.

Approved, March 5, 1845.

A supplement to an act entitled, "An act to incorporate the Musconetcong Manufacturing Company," passed March eleventh, eighteen hundred and forty-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Time of former
act extended.

The eleventh section of the act to which this is a supplement be, and the same is hereby so amended, as to extend the time of three years, therein mentioned, to thirteen years, anything in the said act, to which this is a supplement, to the contrary notwithstanding.

Approved, March 5, 1845.

A supplement to the act entitled, "An act to incorporate the Alexandria Delaware Bridge Company," passed March fifth, eighteen hundred and forty-one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Persons going to or returning from religious meeting or church upon the christian sabbath, or first day of the week, commonly called Sunday, shall be allowed to pass the said bridge free of toll, and upon that day only. Certain persons to pass free of toll.

SEC. 2. So much of the eleventh section of the act to which this is a supplement, as provides for the passage of persons going to and returning from religious meeting or church free of toll, be, and the same is hereby repealed. Part of former act repealed.

Approved, March 5, 1845.

AN ACT further to regulate the proceedings of the annual town and ward meetings.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Justices of the peace are to be elected by ballot, at the annual meetings of the townships and wards in the several counties of this state; and the first election is to take place at the next annual town and ward meetings. Justices of the peace, how elected.

SEC. 2. When a township or ward contains two thousand inhabitants, or less, it may elect two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may elect four justices; when it contains more than four thousand inhabitants, it may elect five justices; and when any township, not voting in wards, contains more than seven thousand inhabitants, such township may elect an additional justice for each additional three thousand inhabitants above four thousand. Number of justices in township.

SEC. 3. The population of the townships and wards shall be ascertained by the last preceding census of the United States; and the abstract of the last census, as published with the laws of this state, in the year eighteen hundred and forty-one, shall be conclusive evidence of the contents thereof, so far as relates to the population of townships and wards. Population of township, how ascertained.

Judge of election.

SEC. 4. The judge of election elected at the last, or any future town meeting, shall preside at, and conduct the election for justices of the peace at the next ensuing town meeting; and the lawful voters present at the opening of the poll shall elect, viva voce, a person, being a lawful voter in the township, to be clerk of such election.

Vacancies, how supplied.

SEC. 5. In case of the neglect to serve, or the absence, or other disability of the judge of election, and in townships where such officer has not been elected, the lawful voters present shall proceed to fill such vacancy, in the manner provided in the foregoing section for the election of the clerk.

Election for justices, how conducted.

SEC. 6. The election for justices of the peace shall be opened at the same time, and conducted in the same manner, and be subject to the same rules, as elections for state or county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained and stated in the same manner.

Duplicates of statements of result to be made.

SEC. 7. Two statements of the result of every election for justices of the peace shall be made, one of which the judge of election shall enclose and seal up, and deliver, or safely transmit, to the clerk of the county, who shall forthwith file the same in his office; and the other shall, in like manner, be delivered or transmitted to the secretary of state, within ten days after such election, who shall forthwith file the same in his office.

Secretary of state to exhibit statements to the governor.

SEC. 8. The secretary of state shall exhibit the several statements of the results of such elections to the governor, who shall commission the persons elected for the county; their commissions shall bear date and take effect on the first day of May next after their election, and they shall hold their offices for five years, unless elected to fill a vacancy, then for the unexpired term only.

Vacancies, how supplied.

SEC. 9. If at any such election there be vacancies to be supplied, or a vacancy or vacancies to be supplied, and a justice or justices to be elected for five years, it shall be necessary to designate, on the ballot, for which term the person voted for is intended, by adding, after the names of persons intended to supply vacancies, the words "in place of," and the name of the person or persons whose place is to be supplied; the statement of the result shall show which persons are elected to fill vacancies, and in whose place, and they shall be commissioned accordingly.

SEC. 10. Townships and wards which now vote, or shall hereafter vote by ballot at their annual town and ward meetings, shall, at the time they vote for justices of the peace, vote upon the same ballot for township officers, and upon such other questions as such townships and wards are or may be authorized or required by law to vote upon by ballot. Mode of voting.

SEC. 11. All acts and parts of acts authorizing townships and wards to vote by ballot at their annual town and ward meetings, so far as the same are inconsistent with the provisions of this act, are hereby repealed. Part of former act repealed.

SEC. 12. The judge of election, the clerk, and secretary of state, shall receive the same compensation for services required by this act, as is now or may hereafter be provided by law for like services in elections for state or county officers. Compensation to officers.

SEC. 13. This act shall take effect immediately after the same shall become a law. Act, when to take effect.

Approved, March 6, 1845.

AN ACT for the relief of the president and trustees of the Methodist Episcopal Church in Elizabethtown.

WHEREAS Joseph Cleveland, John Faulks, James C. Denman, Enoch Coddington, Aaron Q. Thompson, Ezra Cleveland, and Periam Price, the president and trustees of the Methodist Episcopal Church in Elizabethtown, by their petition have set forth that the Rev. Thomas Morrell, in his lifetime, on the twenty-fourth day of November, seventeen hundred and ninety-two, by his deed of conveyance, duly executed, did convey unto Jonathan Morrell, Thomas Crowell, John Chave, Waters Burrows, and Abraham Morrell, and to their successors in office, as trustees for ever, a certain lot of land in Elizabethtown, in the county of Essex, in this state, to hold the same in trust, for the use of the society of the Methodist Episcopal Church in Elizabethtown, for ever; upon which said lot of land, soon after the execution and delivery of the said deed, was erected a house of worship for the said society, in which they have continued to worship until this time; that the said society was incorporated in eighteen hundred and thirty-nine, in the manner prescribed by the act of the legislature of New Jersey, passed the twelfth of June, seventeen hun-

Preamble.

dred and ninety-nine, entitled, "An act to incorporate trustees of religious societies;" and, in eighteen hundred and forty-three, purchased a lot of land in the central part of Elizabethtown, and have erected, and nearly finished thereupon, a large and commodious brick church, for the use of the said society; and that, to aid in defraying the expenses in the purchase of the said lot and said new church, the said society have resolved to sell the lot of land conveyed to the said trustees by the Rev. Thomas Morrell, together with the buildings and improvements thereon; but that, by reason of the death of all the trustees named in the said deed, and the omission of said society to continue a succession of trustees, in the manner directed by the said deed from the Rev. Thomas Morrell, doubts have arisen whether a good and sufficient title for the said lot of land and premises can be made to the purchaser of the same—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Trustees authorized to sell certain property.

SEC. 1. The president and trustees of the Methodist Episcopal Church in Elizabethtown are hereby authorized and empowered to sell, at public or private sale, all that lot of land and premises, with the buildings, improvements, and appurtenances thereunto belonging, which was conveyed by Thomas Morrell to Jonathan Morrell, Thomas Crowell, John Chave, Waters Burrows, and Abraham Morrell, and to their successors, in trust, for the use of the society of the Methodist Episcopal Church in Elizabethtown, by his deed, bearing date the twenty-fourth day of November, seventeen hundred and ninety-two, and in the said deed is described as follows: beginning at the south-westermost corner of William Peartree Smith's land (now Robert Atchinson's); thence, running north along said Smith's line (now Atchinson's), seventy-six feet six inches; then a westerly course, as the cross-fence now stands, seventy feet; thence southerly, sixty feet, to the main road leading from the town to the Point; thence easterly, seventy feet, along the road to the corner of Smith's land (now Atchinson's), the first mentioned place of beginning; bounded easterly by William P. Smith's land (now Robert Atchinson's), southerly by the main road to Elizabethtown Point, westerly and northerly by land of Jonathan and Thomas Morrell (now of the estate of the Rev. Thomas Morrell, deceased); and to execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed for the same, under the hand of the president and the common seal of the Methodist Episcopal Church in Elizabethtown, and under the hand and seal of the trustees of the said corporation, or a majority of them; and upon the payment of the purchase money, by the purchaser or purchasers, to the

trustees of the Methodist Episcopal Church in Elizabethtown, or a majority of them, taking their receipt therefor, such purchaser or purchasers shall be vested with, and entitled to all the estate, right, title, interest, and possession of, in, and to the said lot of land and premises, with the appurtenances, which the said Thomas Morrell conveyed to the grantees named in the said deed; and the said purchaser or purchasers, his or their heirs and assigns, shall hold the same, so conveyed, to his or their own use, free and clear and absolutely discharged from all trusts whatsoever upon which the same was held, in pursuance of the trust contained in the said deed of conveyance made by the said Thomas Morrell, as aforesaid; and the purchase money paid by the said purchaser or purchasers as aforesaid, when received by the trustees of the said Methodist Episcopal Church in Elizabethtown, shall be appropriated towards the payment of the purchase money for the lot of land on which the said Methodist Episcopal Church in Elizabethtown are causing to be erected a new brick church, or towards the payment of the expenses incurred in building the said new church, and shall be absolutely vested in, and belong to, the said the Methodist Episcopal Church in Elizabethtown, their successors and assigns, for ever.

Purchase money, how vested.

SEC. 2. This act shall take effect immediately after the passage thereof.

Act, when to take effect.

Approved, March 6, 1845.

AN ACT to incorporate the East Windsor Cemetery Company, in the county of Mercer.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Richard Norton, Joseph J. Ely, and William Norton, and their successors, be, and they are hereby made a body politic and corporate, in law, under the name, style, and title of "the East Windsor Cemetery Company;" and, by that name, shall be able and capable, in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation, and necessary for the purposes of this act.

Names of corporations.

Objects of incorporation.

SEC. 2. The said corporation shall be composed only of persons who desire burial places in the said cemetery; and the said corporation shall have power to take charge and management of the lot of land situate in the township of East Windsor, near the residence, and on the westerly side of the farm of Richard Norton, containing half an acre, late the property of Isaac Ely, deceased; who, by his last will and testament, bearing date May twenty-first, eighteen hundred and twenty-one, bequeathed the said lot of land for a cemetery, or burial ground, to be used and occupied only as burial places for deceased persons.

Business of corporation conducted by three managers.

SEC. 3. The care and management of the said cemetery and the business of the said corporation shall be confided to three managers, being interested therein, who shall have the exclusive superintendence thereof, with power to appoint and employ such agents as they may deem expedient, and to fix their compensation; the said corporation may receive bequests, with such interest as hath or may hereafter accrue thereon; which said interest, together with such donations as the said corporation may receive from time to time, may be expended in erecting fences, laying out and ornamenting the grounds, and such other necessary work as they may deem necessary for the preservation and improvement of the said cemetery.

First directors.

SEC. 4. For the first year, and until others shall be chosen, Richard Norton, Joseph J. Ely, and William Norton shall serve as managers; the managers for the time being shall report to those interested in the said cemetery the state of the affairs and business of the said corporation, whenever so requested by any five of them in writing, naming the time and place; immediately after which, those present may proceed to an election for three managers of the said corporation.

No roads to be opened through lands.

SEC. 5. No roads shall be hereafter opened through the lands of the said corporation occupied as a burial ground, nor shall any part of the premises occupied as aforesaid ever be subject to sale by virtue of execution or any legal process.

What personal estate may be held.

SEC. 6. This corporation may hold so much personal estate, and no more, as may be necessary for its legitimate purposes.

Act may be repealed, &c.

SEC. 7. The legislature may, at any time hereafter, amend, modify, alter, or repeal this act, whenever the public good requires it; and the same shall go into effect immediately after the passage thereof.

Approved, March 6, 1845.

A further supplement to the act entitled, "An act to incorporate the Newark Mutual Fire Assurance Company," passed the fourth day of November, in the year of our Lord one thousand eight hundred and eleven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The act to which this is a supplement, and the supplement to said act, passed the first day of December, in the year of our Lord one thousand eight hundred and twenty-six, and all the provisions thereof, except so far as the same shall be modified, altered, or repealed by this act, shall be, and the same is hereby extended and continued in force for and during the term of twenty years from and after the passing of this act.

Provisions of former act extended.

SEC. 2. It shall and may be lawful for the directors of the said company for the time being, annually or oftener, as they may see proper, to declare and cause to be paid to the stockholders such dividends, from time to time, as they shall deem discreet and proper; *provided always*, that such dividends shall not exceed, per annum, the rate of interest fixed at the time by the laws of this state, nor shall impair the deposit money, nor reduce the capital fund of said company below seventy-five thousand dollars.

Annual dividends to be made.

Proviso.

SEC. 3. The election of directors shall be held annually, on such day in the month of December, in each year, as shall be fixed from time to time by the board of directors, of which notice shall be given as is prescribed by the act to which this is a supplement; and that the polls may be opened at the time fixed, without any specified number of members being present.

Annual election of directors.

SEC. 4. A scrip shall be issued for the premium money on any policy which has continued for five years, on the first day of January thereafter, whether the policy shall be continued or not to such first day of January; and that it shall be in the power of the directors, in their discretion, to allow any person ensured, who may neglect to renew his policy at the time it expires, to do so, and to be restored to all the rights in the company lost thereby, upon dating the renewal back to such time; *provided* the application be made for that purpose within three months after such expiration, and there be sufficient reason assigned for such neglect.

Scrip to be issued in certain cases.

Proviso.

SEC. 5. This act shall commence and take effect on the twentieth day of December next.

Act, when to take effect.

Act may be altered, &c.

SEC. 6. The legislature shall at all times have a right to alter or amend this act, and those to which this is a supplement; and in case of an abuse or misuse of the powers and privileges thereby conferred on the said company, to repeal the same entirely.

Approved, March 6, 1845.

A supplement to an act entitled, "An act to enable the owners and possessors of the meadows, low lands, and swamps, lying upon or adjoining the Assanpink creek, in the counties of Hunterdon, Burlington, and Middlesex, to clear out and straighten the said creek, within the limits therein named," passed March first, eighteen hundred and thirty-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of managers.

SEC. 1. James McGallaird, Randal C. Robbins, and Jacob Rogers shall be, and they are hereby appointed managers for the opening and clearing out and straightening of the Assanpink creek, from the westerly line of the farm of William T. Mills (late the farm of Allison Ely, deceased), in the township of East Windsor, in the county of Mercer, up said creek to the mill tail-race of Amos Hutchinson, about the distance of one mile, all of which is situated in the said township of East Windsor, and shall continue managers until the second Saturday in May, in the year of our Lord one thousand eight hundred and forty-six, and until their successors in office are appointed; and it shall and may be lawful for the said managers, or either of them, to enter into and upon the meadows, low lands, and swamps lying upon said creek, within the limits aforesaid; with all necessary workmen and implements, to open, widen, clear out, straighten, and remove every obstruction (division swinging-pole fencing across the said creek excepted) to the free passage of the water within the limits aforesaid, sixteen feet wide, and not less than three, nor more than five feet deep, and the mud and other obstructions taken out of said creek, equally to cast out upon the meadows, swamps, and low lands next adjacent.

Their powers.

To assess expenses, &c.

SEC. 2. The said managers, or a majority of them, shall and may apportion the amount that each respective owner or pos-

essor of said meadows, swamps, and low lands lying upon said creek, or in the vicinity thereof, within the limits aforesaid, to be benefited by the opening, clearing out, and straightening said creek, shall pay for each and every of the expenses which may accrue in carrying this law into effect; and shall and may demand and receive of all and every of the owners and possessors of said meadows, swamps, and low lands such sum or sums of money so by them assessed; and on neglect or refusal of the payment thereof, for the space of sixty days after such demand, it shall and may be lawful for the said managers, or either of them, and they are hereby enjoined, by action of debt, to sue for and recover the same, with costs of suit, in any court having cognizance thereof; all which sum or sums of money, so assessed and received, shall be applied by the managers to the purposes in this act before mentioned.

Sec. 3. It shall and may be lawful for the owners and possessors of the meadows, swamps, and low lands, lying within the limits expressed in the first section of this act, to meet at the house of James Nutt, innkeeper, at Centreville, in the township of East Windsor, on the second Saturday in May, in the year of our Lord one thousand eight hundred and forty-six, and appoint, by plurality of votes, three managers, yearly and every year, after the second Saturday in May, eighteen hundred and forty-six; which said managers shall continue in office one year next ensuing such choice and until others shall be chosen, and shall, during the continuance of the year, be vested with all the powers herein before given to the managers named in the first section of this act, or either of them.

Time and mode of annual election of managers.

Sec. 4. If any person or persons whatsoever, after the passing of this act, shall wilfully fall any tree, or cast or put anything whatsoever in the said creek, that will in any way obstruct or be an impediment to the free course of the water in said creek, within the limits aforesaid, he, she, or they so offending shall pay the sum of ten dollars for each and every offence, to be recovered, by any one of the said owners or possessors of the said meadows, swamps, and low lands, in an action of debt, with costs of suit, in any court having cognizance of the same, one half to the prosecutor, and the other half to be paid over to the manager or managers above mentioned, or either of them, to be appropriated towards the clearing out the said creek.

Penalty for obstructing course of water.

Sec. 5. The said managers shall severally be entitled to receive, for each and every day that he or they may be employed in discharging the duties required by this act, the sum of one dollar.

Compensation to managers.

Approved, March 6, 1845.

A further supplement to the act entitled, "An act to establish and confirm the charter rights and privileges of the borough of Elizabeth, to empower the corporation of the borough of Elizabeth to make, regulate, and improve streets and pavements within the fire district of said borough."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Powers and duties of mayor, aldermen, &c.

SEC. 1. The mayor, aldermen, and commonalty of the borough of Elizabeth, and their successors for ever, are hereby authorized and empowered to make and ordain all such ordinances and regulations as they shall deem proper for grading, draining, working, and improving streets and highways, and for making and repairing bridges and culverts necessary or useful to the same, and for making, grading, flagging, paving, and improving side-walks, cross-walks, and gutters within the district, in the borough of Elizabeth, described and defined by the said corporation as the fire limits of the said borough, and to appoint such overseer or overseers, commissioner or commissioners, as may be deemed necessary to carry into effect the provisions of this act; *provided*, that nothing in this act contained shall extend or relate to county bridges.

Proviso.

Collector to pay over taxes, &c.

SEC. 2. The collector of taxes of the township of Elizabeth shall pay over, annually, to the chamberlain of the borough of Elizabeth, as soon as collected, all moneys and taxes assessed, raised, and collected for the repairs of highways, upon all property and lands within the said fire limits, and upon all persons assessed and taxed as a householder, or a single man, residing within the said fire limits, to be applied by the said corporation in executing the provisions of this act.

Act, when to take effect.

SEC. 3. All former acts and laws repugnant to, or coming within the purview of this act, are hereby repealed; and this act shall take effect immediately after the passage thereof.

Approved, March 6, 1845.

A further supplement to the act entitled, "An act for the preservation of clams and oysters," passed June ninth, eighteen hundred and twenty.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The time within which the taking and vending of oysters, as prohibited by the first and fourth sections of the act to which this is a supplement, is hereby extended to the first day of October, yearly and every year, in the counties of Burlington, Monmouth, and Atlantic only, under the same penalties and regulations as are therein contained; *provided*, that planted oysters may be taken up at any time, by the person owning the same.

Provisions of former act extended.
Provide.

Approved, March 8, 1845.

AN ACT to establish a new township in the county of Camden, to be called the township of Winslow.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. All that part of the township of Gloucester, contained within the following bounds, that is to say: beginning in the middle of Egg Harbour river, where the line between the counties of Camden and Atlantic crosses said river; thence, along the said county line north-easterly, to a stake in a pond, corner to Waterford township; thence, along said Waterford township line northwesterly, passing through Long-a-coming, to the public road leading therefrom, to the Cross-keys tavern, in Washington township; and from thence, along said road, and the middle thereof, south-westerly, to the line of the township of Washington; thence southerly, along said line, to the head of Four-mile branch, to a corner of Washington township; thence, down the Four-mile branch, the several courses, to the main branch of Great Egg Harbour river; thence, down the same, the several courses thereof, binding on Washington township, to the place of beginning, be, and the same is hereby set off into a new township, to be called the "township of Winslow."

Boundaries of township.

Inhabitants in-
corporated.

SEC. 2. The inhabitants of the township of Winslow are hereby constituted a body politic and corporate, in law, and shall be styled and known by the name of "the Inhabitants of the township of Winslow, in the county of Camden," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Camden are or may be entitled or subjected to by existing laws of this state.

First town meet-
ing in Winslow.

SEC. 3. The inhabitants of the township of Winslow shall hold their first town meeting at the inn of Josiah Albertson, at the Blue Anchor, in the said township of Winslow, on the second Wednesday in March, instant.

Town meeting
in Gloucester.

SEC. 4. The inhabitants of the township of Gloucester shall hold their next town meeting at the house of William Middleton, Red Lion, in the said township of Gloucester, on the second Wednesday in March, instant.

Committees to
allot property,
&c.

SEC. 5. The town committees of Gloucester and Winslow shall meet on the Monday next after the annual town meeting in the said townships of Gloucester and Winslow, at the house of Jacob Leach, in Long-a-coming, at ten o'clock in the forenoon, and may adjourn from time to time, as a majority may direct, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessor, within their respective limits, at the last assessment; and the inhabitants of the township of Winslow shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet, as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Act, when to
take effect.

SEC. 6. This act shall go into effect immediately after the same shall become a law.

Approved, March 8, 1845.

AN ACT to incorporate the New Jersey Manufacturing Company of the county of Camden.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Richard W. Howell, Joseph Porter, Samuel C. Champion, Benjamin W. Cooper, Thomas S. Ridgway, and Charles Robb, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, for the purpose of manufacturing, dying, bleaching, and printing wool and cotton, and all goods of which wool or cotton, or other fibrous materials, form a part, and all the machinery incident thereto, and for the transaction of all business connected therewith, by the name of "the New Jersey Manufacturing Company of the county of Camden;" and, by such name, they shall be, and are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever; and shall have power to make and use a common seal, and the same alter and renew at pleasure; and, by the same name, shall have power to acquire, purchase, receive, have, hold, and enjoy, and again sell, or otherwise dispose of, such personal and real estate and property as may be necessary, useful, or convenient for the said corporation to carry on the aforesaid manufacturing operations, together with such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of any debt or debts, liability or liabilities, previously created in their business, or purchased at any sale or sales upon any judgment or judgments which shall have been obtained for any such debt or debts, liability or liabilities; and may erect such mills, houses, and other works, as they shall deem necessary to carry on the aforesaid branches of manufacture, at the town of Gloucester, in the county of Camden, upon the land of Charles Robb, between Schuylkill-avenue and Charles-street, as the said avenue and street are laid down upon the lithographed plot of said town, as printed by T. Sinclair, and not elsewhere; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

Names of incorporators.

Style of incorporation.

General powers.

SEC. 2. The stock, property, and concerns of the said corporation shall be managed and conducted by five directors, being stockholders, three of whom, at least, shall be residents of New Jersey, who shall be chosen annually, on the first

Time and mode of election of directors.

Monday in December, at such time and place as shall be designated by the by-laws of the said corporation, whereof public notice shall be given, not less than ten days previous thereto, in one or more newspapers printed and published in the said county of Camden; and at such elections each stockholder shall be entitled to as many votes as he or she shall hold shares of the capital stock of the said corporation; and the five stockholders having or receiving the greatest number of votes at such elections, shall be the directors of said corporation; which said directors shall choose one of their number as president; may appoint such other officers, superintendents, and agents, and allow them such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and shall hold their offices for one year, respectively, and until other directors shall be legally elected to succeed them; and all vacancies, occasioned by death, resignation, or otherwise, among the directors of said corporation, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint from among the stockholders for that purpose.

Vacancies, how
to be supplied.

SEC. 3. The capital stock of the said corporation shall not exceed six hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed and paid in lawful money, an affidavit thereof shall be made by a majority of the associates named in the first section of this act, and filed in the office of the secretary of state, it shall then be lawful for the said corporation to commence their said business, or any part thereof, and with that capital conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time, to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as the said directors shall deem proper; and if such payments shall not be made within thirty days next after the day fixed for that purpose by public notice, previously published for the space of two weeks, at least once each week, in one or more newspapers published in the said county of Camden, designating the proportion of such payments per share, the time when, the place where, and the officer to whom the same shall be required to be made, then and in that case each and every stockholder so neglecting or refusing to make such payment shall forfeit to the corporation his, her, or their share or shares in said capital stock, and all previous payments thereon.

Amount of capital
stock.

SEC. 4. The said Richard W. Howell, Benjamin W. Cooper, Thomas S. Ridgway, and Charles Robb, or any two of them, may open books and take subscriptions for the capital stock, first giving two weeks' notice, in one or more newspapers published in the county of Camden aforesaid, of the time, place, and object of said meeting; and the stockholders, at a meeting called in like manner, after a sufficient amount of capital stock shall have been subscribed and paid in, may proceed to elect, by a plurality of the votes of the stockholders present in person, or by their legal representatives, five directors, who shall hold their office, respectively, until the first Monday in December next ensuing the time of their said election, and until others shall be legally chosen.

Books to be opened for subscriptions.

SEC. 5. All the stock and property of the said corporation, of what kind or nature soever, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; and no dividend shall be made to and among the stockholders, except from and out of the actual net profits of the said corporation; and no part of the capital stock shall be withdrawn, or refunded to the stockholders, until all debts and liabilities of the company are fully paid.

Stock to be personal estate.

SEC. 6. In case at any time it should happen that an election shall not be made upon the day designated for that purpose by this act, the said corporation shall not be deemed to be dissolved for that cause; but it shall be lawful for the stockholders to hold such election on such other day or days as shall be prescribed by the by-laws of the said corporation, of which public notice shall be given, as provided in the second section of this act.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 7. A majority of the directors for the time being shall constitute a board for transacting the business of the said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, property, effects, business, profits, and concerns of the said corporation; *provided*, that the same be not contrary to the constitution or laws of the United States or of this state.

Directors may make by-laws.

SEC. 8. The directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of the said corporation; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept for that purpose; and the directors shall submit to the stockholders, in the month of November, annually, a written statement, under oath or affirmation, setting forth the amount of all existing

Directors to make annual statement.

debts against the said corporation, the amount of all existing debts due and owing to the said corporation, and the amount of capital stock actually paid in.

Children employed under sixteen years of age to attend school.

SEC. 9. And whereas we esteem it a duty incumbent upon us to promote, as much as possible, the education of youth, therefore, it shall be the duty of the directors of the said corporation to require that every male and female, under the age of sixteen years, who shall be employed in or about the manufacturing operations of the said corporation, shall receive, at least, three months' tuition, in the common or other school of the district, in each year they shall be so employed, said tuition to be paid for out of the proper wages of such persons, respectively, unless the payment thereof shall be otherwise provided for by the parents or guardians of said employees.

Limitation.

SEC. 10. This act shall continue in force twenty years; but it shall and may be lawful for the legislature of this state to alter, modify, extend, or repeal the same, whenever, in their opinion, the public good requires it.

Approved, March 8, 1845.

A further supplement to the act entitled, "An act for the punishment of crimes," passed February seventeenth, eighteen hundred and twenty-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Perjury, in certain cases, how punished.

SEC. 1. If any person who shall be sworn or affirmed before a commissioner appointed by authority of any other state or territory of the United States to take affidavits or the acknowledgment and proof of deeds or sealed instruments of writing in this state, to be used in the state or territory by authority of which such commissioner was appointed, in a judicial proceeding, or to prove the execution of a deed, or the identity of a grantor in any deed, shall, in taking such oath or affirmation, wilfully swear or affirm falsely before such commissioner, such person so wilfully swearing or affirming falsely shall be deemed guilty of perjury, and may be prosecuted and punished accordingly.

SEC. 2. This act shall take effect immediately after it becomes a law.

Approved, March 13, 1845.

AN ACT to require further security from township collectors in the county of Passaic.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. When any person shall hereafter be elected to the office of collector, in any township in the county of Passaic, in this state, he shall, on or before the first day of June next ensuing his election, and before he enters upon the duties of his office, enter into a bond to the board of chosen freeholders of said county, with one or more sufficient surety or sureties, being a freeholder or freeholders in said county, and resident therein, to be approved of by the director of said board, and in such sum as the board, at their annual meeting, shall direct, conditioned for the faithful performance of all the duties of said office, imposed by law, respecting the collection and payment of taxes to be raised for state and county purposes.

Collectors to give bond, &c.

SEC. 2. This act shall go into effect immediately after it becomes a law.

Act, when to take effect.

Approved, March 12, 1845.

AN ACT to alter the lines between the townships of Hopewell and Greenwich, and between the townships of Stow Creek and Greenwich, in the county of Cumberland.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

The line between the townships of Hopewell and Greenwich, in the county of Cumberland, shall commence at the mouth of Mounce's creek, and run thence up said creek to a stone bridge in the road leading from Sheppard's mill to Bridgeton; thence north, forty-two and a quarter degrees west, two hundred and eleven and a half rods, to a stone on Barnegat, the present corner of Stow Creek and Greenwich; the said line to continue thence, between Stow Creek and Greenwich, north, fifty and a quarter degrees west, three hundred and fifty-two rods, to Macanippus run; thence, following the present line, to the mouth of Cohansey creek; thence, up said creek, to the mouth

Boundaries of township.

of Mounce's creek, to the place of beginning: all that part of Hopewell which lies west of the above line, up to the stone at Barnegat, shall be annexed to, and constitute a part of the township of Greenwich; all that part of Stow Creek beyond Barnegat, lying west of said line, shall be annexed to, and constitute a part of the township of Greenwich; and that Belford M. Bonham, Charles B. Fithian, and Jacob Harris are hereby appointed commissioners to run said line.

Approved, March 13, 1845.

A supplement to the act entitled, "An act to authorize aliens to purchase and hold real estate in this state," passed the twenty-second of January, eighteen hundred and seventeen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Aliens authorized to hold real estate.

Any alien or aliens, not being the subject or subjects of any state or power at war with the United States, to whom any lands in this state may have descended from any ancestor, either alien or not, since the passage of the act to which this is a supplement, or would have descended, or may or would hereafter descend, in case such person or persons claiming by descent were natural born citizens of the United States, or to whom any lands may have been, or may hereafter be devised, shall and may have and hold the same, to him, her, and them, and his, her, and their heirs and assigns for ever, as fully, to all intents and purposes, as any natural born citizen of the United States might, may, or can do.

Approved, March 13, 1845.

AN ACT for the relief of Mary Godown.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

\$30 per annum
to be paid to
Mary Godown.

The treasurer of this state be, and he is hereby authorized and directed to pay to Mary Godown, widow of John Godown, deceased, a soldier of the Revolutionary war, or to her order,

thirty dollars per annum, during her natural life, in semi-annual payments, of fifteen dollars each; the first payment to be made on the tenth day of March, eighteen hundred and forty-five.

Approved, March 13, 1845.

AN ACT to repeal the act entitled, "An act to establish a new township in the county of Cumberland, to be called Columbia."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The act entitled, "An act to establish a new township in the county of Cumberland, to be called Columbia," passed March eighth, eighteen hundred and forty-four, be, and the same is hereby repealed; and that all that part of Columbia which formerly belonged to Stow Creek, embraced now in the township of Columbia, shall be, and the same is hereby attached and made a part of the township of Stow Creek, in the county of Cumberland; and that all that part of Columbia which formerly belonged to the township of Hopewell, embraced now in the township of Columbia, shall be, and the same is hereby attached and made a part of the township of Hopewell, in the county of Cumberland.

Act establishing township of Columbia repealed

SEC. 2. In order to divide the funds of the township of Columbia justly, it shall be the duty of Isaac West, Jeremiah B. Davis, and Isaac Titsworth, on the part of the township of Columbia formerly belonging to the township of Hopewell, and Reuben Fithian, Andrew Horner, and Isaac Elwell, on the part of Columbia formerly belonging to Stow Creek, to meet at the academy in Shiloh, on the first Monday after the annual town meeting, and then and there proceed to divide the funds of said township of Columbia in manner following, viz: if there shall be funds enough, after defraying all the expenses of said township of Columbia, the sum of forty-eight dollars shall be paid over to the collector of the township of Stow Creek, as this was the sum paid by the township of Stow Creek to the township of Columbia, at the time of its organization: if any funds still remain, they shall be divided by the said commissioners between the parts of the township of Columbia set back by this act, according to the tax paid by each part in the last

Commissioners to divide property, &c.

assessment; and such money, if any, shall be added to the school fund, and applied to the purposes of education in the parts of the township of Columbia so set back; the decision of the commissioners, or a majority of them, shall be final and conclusive.

Act, when to
take effect.

SEC. 3. This act shall go into effect on and after the second Tuesday of March, eighteen hundred and forty-five.

Approved, March 13, 1845.

AN ACT for the relief of the township of Hardyston, in the county of Sussex.

Preamble.

WHEREAS it is represented, and appears to the legislature, that the duplicate of the assessment of the taxes of the township of Hardyston, in the county of Sussex, for the year eighteen hundred and forty-four, was duly made out by the assessor of the said township, and ready to be delivered to the township collector at the time required by law; but that, by reason of the unavoidable absence of the said collector at that time from this state, it was not delivered to him until the twenty-sixth day of October, of the same year; that the said collector then proceeded to demand payment of the tax assessed on each individual of the said township, and did demand payment of nearly all such individuals, in person or by notice left at his or her residence, and informed them of the time and place of the meeting of the commissioners of appeal, and that he hath taken other means duly to notify the said individuals of the amount of the taxes assessed against them, respectively; and whereas it further appears that the said collector, at the time required by law, made return to one of the justices of the peace of the said county of the names of the delinquents upon the said duplicate, and of the sums of money due from them, respectively, thereunto annexed, and made oath before the said justice of the manner in which he had demanded payment of the said taxes; and that the said justice, on the twenty-fifth of December last, issued his warrants for the collection of the said taxes in arrear and due from the said delinquents, and delivered the same to one of the constables of the said county of Sussex, in due form of law, to be executed; and that some of the said delinquents, of whom the said taxes had been demanded,

and to whom notice had been given as aforesaid, refuse to pay the said taxes, on account of the irregularity of the proceedings of the said collector; and whereas doubts exist as to the authority of the said constable to collect the said taxes under and by virtue of the said warrants, and the township committee, on behalf of the inhabitants of the said township, have sought relief in the premises—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

It shall and may be lawful for, and it is hereby declared to be the duty of the said constable to levy and make the taxes so in arrear, under and by virtue of the said warrants, and to proceed upon the same, respectively, in the manner required by the act entitled, "An act concerning taxes," passed June tenth, seventeen hundred and ninety-nine, and the several supplements thereto; *provided*, that a return of the said warrants in the manner required by the said act shall be sufficient, if made by the said constable within forty-five days after the passage of this act.

Duty of constable in the premises.

Approved, March 13, 1845.

A supplement to the act entitled, "An act relative to fishing in Oldman's creek, in the counties of Salem and Gloucester," passed March fifth, eighteen hundred and thirty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. If any person or persons hereafter shall violate the provisions of the act to which this is a supplement, by beating, splashing, belling, or making other noises in Oldman's creek (it being the division line between the counties of Salem and Gloucester), or Beaver creek (being a branch thereof in the county of Salem), for the purpose, or with the intention of molesting, disturbing, or impeding shad or other fish in their natural course, either up or down either of said creeks, between the first day of March and the first day of July, such person or persons shall be liable to the penalty in said law set forth, the one half thereof to be paid to the person prosecuting the same, and the remainder to the overseer of the poor, for the

Penalty for violating provisions of act.

use of the poor in the township wherein the offence shall have been committed; and the boat or boats, net or nets, used by any person or persons for the purpose of violating the act to which this is a supplement, shall be liable for the penalty set forth in said act; and it shall be lawful for the constable having the process to collect said penalty, to levy upon and sell such boat or boats, net or nets, made use of in unlawfully disturbing the fish in said creeks in manner aforesaid.

Act, when to
take effect.

SEC. 2. This act shall take effect immediately after it becomes a law.

Approved, March 13, 1845.

AN ACT to set off or re-establish, from the township of Harrington, in the county of Bergen, a new township, to be called the township of Washington.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township.

SEC. 1. All that part of the township of Harrington, in the county of Bergen, that lies west of the Hackensack river, which, on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty, constituted the township of Washington, shall be, and the same hereby is established a separate township, to be called "the township of Washington."

Inhabitants of
Washington in-
corporated.

SEC. 2. The inhabitants of that part of the township of Harrington that lies west of Hackensack river, which, on the thirtieth day of January, in the year of our Lord one thousand eight hundred and forty, constituted the township of Washington, be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the Inhabitants of the township of Washington, in the county of Bergen;" and the inhabitants of that part of the said township of Harrington that lies east of the Hackensack river be, and they and their successors hereby are constituted a body politic and corporate, by the name of "the Inhabitants of the township of Harrington, in the county of Bergen;" which said two townships, in their corporate capacities, respectively, shall be entitled to all the rights, powers, privileges, and advantages, and subject to the same regulations, duties, and liabilities as the inhabitants

Inhabitants of
Harrington in-
corporated.

of the other townships in the said county of Bergen may be entitled or subject to.

SEC. 3. Every person whose legal settlement shall be in the present township of Harrington, in the county of Bergen, at the time when this act shall go into operation, who is now chargeable, or shall hereafter become chargeable as a pauper, shall be supported by, and have his or her legal settlement in that one of the said new townships hereby created within the bounds of which he or she resided at the time of acquiring such settlement, or in the bounds of which the person from whom such settlement may be derived resided at the time of acquiring such settlement.

Settlement of
paupers.

SEC. 4. All orders of filiation or bastardy, or for maintenance, and all bonds, recognizances, and securities for the performance of such orders, or relating thereto, or for the indemnity and relief of the present township of Harrington for the support of any bastard or other person that now is, or may become chargeable to said township, made or entered into, or to be made or entered into, shall enure to the benefit of that one of the new townships, hereby created, in which such bastard or other person shall have a legal settlement by virtue of this act; and such township, or other person by law authorized, may proceed and prosecute upon such order, bond, recognizance, or security, in the same manner as if the same had originally been made, given, or entered into for the benefit, and in the name of such newly created township; and in such proceeding or prosecution such order, bond, recognizance, or security shall be received and given in evidence, and shall support the same, as if such newly created township had been in existence at the time when the said order, bond, recognizance, or security was made or given, and mentioned therein by its corporate name.

Bonds, &c., for
maintenance of
bastard chil-
dren.

SEC. 5. The inhabitants of the township of Washington, hereby created, shall hold their first annual town meeting, on the second Monday of April next, at the house of Peter A. Jersey, innkeeper, within the bounds of said township hereby created; and the inhabitants of the township of Harrington, hereby created, shall hold their first annual town meeting, on the second Monday in April next, at the house of Abraham J. Blauvelt, innkeeper, within the bounds of said township of Harrington, hereby created; and afterwards, at such place in the respective townships as the inhabitants of each shall determine, in the manner prescribed by law.

First annual
town meetings
of Washington
and Harrington.

SEC. 6. The township committees of the townships of Harrington and Washington shall meet on Monday, the twenty-first day of April next, at ten o'clock in the forenoon, at the

Committees to
apportion prop-
erty.

house of James Bogart, innkeeper, in the township of Washington, before mentioned, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand, due, or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of the said two townships, at the last assessment; and the township of Washington shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division; and their decision, or the decision of the majority of them, shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled as aforesaid may think proper; and at such meeting the books and papers which belonged to the former township of Washington, and all bonds and securities, and other property, belonging, by law, to said new township of Washington, shall be delivered to the township committee of said new township of Washington.

•Former act repealed.

SEC. 7. The act entitled, "An act to annex a part of the township of Franklin, in the county of Bergen, to the township of Washington, in said county," passed March the thirteenth, in the year of our Lord one thousand eight hundred and forty-four, shall be, and the same is hereby repealed, and the part of Franklin therein intended to be annexed to Washington, shall be, and the same is hereby made part of the said township of Franklin.

Act, when to take effect.

SEC. 8. This act shall take effect on the second Monday in April next, and not before.

Approved, March 19, 1845.

AN ACT relative to the sale and disposition of the real estates of infants.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Whenever an infant shall be seized of any lands or tenements, or be entitled to any term to come in any lands in this state, and it shall be represented to the chancellor, on behalf of said infant, by his or her guardian or next friend, that his or her interest requires that the said lands or term should be sold or disposed of, the chancellor may, in a summary manner, proceed to inquire into the merits of the application; and from such time the infant shall, as far forth as relates to such property, its proceeds and income, be considered a ward of the court of chancery.

Minors, in certain cases, to be wards in chancery.

SEC. 2. On every such application the chancellor shall, in his discretion, appoint a suitable guardian or guardians of the infant in the premises, who shall give bond to the infant, to be filed with the clerk of the court of chancery, in such penalty and with such surety as the chancellor shall direct, conditioned for the just and faithful performance of the trust reposed in such guardian, and for the observance of such orders and directions as the chancellor shall from time to time make in the premises in relation to such trust; which bond, if forfeited, may be prosecuted in any court having cognizance of the same, by the direction of the chancellor.

Chancellor to appoint guardian.

SEC. 3. After such bond shall be given and filed as aforesaid, the chancellor may proceed in a summary manner, by reference to a master, to inquire into the merits of such application; and whenever, and as often as it shall satisfactorily appear to the court that the interest of the infant requires, or will be substantially promoted by a sale or other disposition of the lands or term of such infant, or of any part or parts thereof, the chancellor may direct a sale or other disposition of such lands or term to be made by the guardian or guardians, in such way and manner, and with such restrictions, as shall be deemed expedient; and all sales, dispositions, and conveyances, made in good faith in pursuance of, and in conformity with the direction of the court, when confirmed, as herein after mentioned, shall be valid and effectual as if made by such infant when of full age; *provided however*, that nothing in this act contained shall authorize the sale or disposition of any lands or term for years against the provisions of any last will or conveyance by which the same were devised or granted to such infant.

Chancellor may direct sale of lands.

Proviso.

Sale, &c., to be approved by chancellor.

Sec. 4. All sales and dispositions made in pursuance of this act shall be reported, on the oath or affirmation of the guardian or guardians aforesaid, to the chancellor, to be approved by him before a conveyance shall be executed; and if the sale or disposition is confirmed by the chancellor, and a conveyance directed to be executed, he shall then make order for the application and disposition of the proceeds of the same, and for the investment of the surplus belonging to such infant, so as to secure it to the infant in such way and manner as may seem most for his or her benefit and advantage; and a report of such investment or disposition shall also be made to the chancellor, by such guardian or guardians, on oath or affirmation as aforesaid, as soon as conveniently may be, and filed in the office of the clerk in chancery.

Interest of purchaser in real estate.

Sec. 5. No sale of any real estate, made in pursuance of the provisions of this act, shall give to any person any other or greater interest in the proceeds of such sale than he or she had or would have had in the lands, provided the same had not been sold; but the said proceeds shall be considered, relative to the statutes of descents and distribution, and for every other purpose, as real estate of the same nature as the property sold.

Chancellor may direct payment of a sum of money, in certain cases, in lieu of dower.

Sec. 6. If the real estate of any infant, or any part of it, shall be subject to dower, and the person entitled thereto shall consent, in writing, to accept a gross sum, to be approved by the court in lieu of such dower, or the permanent investment of a reasonable sum, with the like approval, in such manner as that the interest thereof be made payable to the person entitled to the said dower during life, the chancellor may, after such consent in writing has been filed in the clerk's office, direct the payment of such sum in gross, or the investment of such sum as he shall deem reasonable and shall be acceptable to the person entitled to such dower, in manner aforesaid; which sum, so paid or invested, shall be taken out of the proceeds of the sale of the real estate of such infant so subject to said right of dower; *provided however*, before any such sum shall be paid, or such investment made, the chancellor shall be satisfied that an effectual release of such right of dower has been executed.

Guardian to account, &c.

Sec. 7. Such guardian or guardians, to be appointed as aforesaid, shall be liable to account, under the order of the court of chancery, before such master as the chancellor may designate from time to time, upon the application of any person or persons interested in the funds; and the report of such master, made thereon, shall be liable to exceptions, as in other cases of master's reports requiring confirmation; and the chancellor shall have full power and authority to make all such orders and decrees in the premises as shall be necessary to give complete relief to the parties.

SEC. 8. This act shall go into operation immediately after it becomes a law. Act, when to take effect.

Approved, March 19, 1845.

AN ACT to regulate the mode of docketing judgments of the circuit courts in the supreme court.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Any final judgment of a circuit court may be docketed in the supreme court. Judgment docketed in supreme court.

SEC. 2. The clerk of every circuit court shall provide and keep a docket, in which shall be entered, upon the request of any party thereto, all final judgments rendered in such court for the payment of any debt, damages, costs, or other sum of money. Clerk to keep docket.

SEC. 3. Upon such request being made, and on payment of the fees allowed for docketing such judgment, and for making and sending transcripts of such docket, as herein after directed, the said clerk shall enter in such docket a statement of such judgment, containing: *first*, the title of the court, the names at length of all the parties to such judgment, designating particularly against whom it is rendered, with their places of abode, description, titles, trades, or professions, if any such appear by the record; *second*, the style of action, and the amount of the debt, damages, or other sum of money recovered, with the costs; *third*, the time of signing such judgment, and docketing the same. Form of statement to be entered in docket.

SEC. 4. The clerk docketing such judgment shall immediately transmit a certified transcript thereof, from the docket, to the clerk of the supreme court, who shall forthwith, on the receipt thereof, and of the fees for that purpose herein after provided, file the same, and enter such transcripts in a docket, to be by him provided and kept for that purpose, and note therein the time of receiving and of entering the same. Clerks to transmit copies of judgment to supreme court.

SEC. 5. The clerks of the circuit courts and the clerk of the supreme court shall make to their respective dockets a complete alphabetical index; and said dockets shall be public records, to which all persons desirous of examining the same shall have access. Dockets to be public records.

Operations of judgments docketed in the supreme court. SEC. 6. Such judgment shall, from the time of such docketing in the supreme court, operate as a judgment obtained in the supreme court, and satisfaction thereof may be entered in the margin of the docket, upon the same evidence, and in the same manner, as is now provided by law in case of judgments rendered in the supreme court.

Execution not to issue out of circuit court after docketing in supreme court. SEC. 7. After a judgment shall be docketed in the supreme court, no execution shall be issued upon the same, out of the circuit court in which it was obtained; and if any judgment shall be docketed in the supreme court, after an execution shall have been issued thereon, out of the circuit court, then the supreme court may exercise the same authority and control over such execution as if the same had issued out of the supreme court.

Judgment, how revived. SEC. 8. Every judgment docketed as herein directed, may be revived by scire facias in the supreme court, in the same manner, in the like cases, and with the like effect, as if such judgment had been obtained in that court.

Execution to be stayed in case of writ of error. SEC. 9. If any judgment recovered in any circuit court shall be removed by writ of error to the court of errors, and bail in error shall be duly perfected thereon, and such judgment shall, either before or after such removal, be docketed as herein provided, then execution shall be stayed in the supreme court, in the same manner as in such circuit court.

Judgment may be removed to supreme court. SEC. 10. A judgment docketed as herein provided, may be removed to the supreme court by writ of error, in the same manner as if such judgment had not been so docketed.

Proceedings in case of reversal. SEC. 11. If any judgment, docketed as herein provided, shall be reversed on writ of error by the court of errors, and a transcript of the judgment of reversal, duly certified, shall be delivered to the clerk of the supreme court, it shall be his duty to file the same in his office, and enter in the margin of the docket, opposite the entry of such judgment therein, the word "reversed," and the date of such reversal.

Fees of clerks. SEC. 12. The clerks of the supreme court and circuit courts shall be entitled to receive, for docketing any judgment, fifty cents; for certified transcripts of such docket, fifty cents; and for filing certificate of reversal, and entering the same in the docket, twelve cents.

Act, when to take effect. SEC. 13. This act shall take effect immediately after it becomes a law.

Approved, March 19, 1845.

**AN ACT to incorporate the Gloucester Manufacturing Company,
in the county of Camden.**

**BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey, as follows:**

SEC. 1. William Folwell, Philip J. Gray, Gideon Scull, William Bargh, David S. Brown, Robert F. Walsh, Charles W. Churchman, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Gloucester Manufacturing Company," for the purpose of manufacturing, bleaching, dyeing, and printing, and finishing all goods of which cotton or other fibrous materials form a part, as well as all machinery used for such purposes, and for the transaction of such business as may be necessarily connected therewith; and may erect such mills and other works as may be required to carry on such branches of manufacture; and they shall have power to raise, by subscription, a capital not exceeding six hundred thousand dollars, in shares of five hundred dollars each.

Names of corporators.

Style of incorporation.

SEC. 2. The said corporation may purchase and hold such real estate in the county of Camden, as may be required for the purposes of the said corporation, or such as they may be obliged, or deem it for their interest to take in the settlement or payment of any debt due the said corporation, and may dispose of the same; and may sue and be sued in all courts of law or equity, may have and use a common seal, and make such by-laws for their regulation and government as they see proper; *provided* the same are not inconsistent with the constitution and laws of the United States or of this state.

General powers.

SEC. 3. The said corporation shall not go into operation until one hundred thousand dollars of the capital stock shall be paid in gold and silver coin or current bank notes, and an oath or affirmation thereof, shall be made by a majority of the associates named in the first section of this act, and filed in the office of the secretary of state.

Corporation, when to go into operation.

SEC. 4. The capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, or upon any pretence whatever, be divided among the stockholders for dividends, neither shall it be withdrawn, or refunded to the stockholders, until all debts and liabilities of the company are fully paid; and each stockholder shall, in the election of directors, have one vote for each share of the stock he holds in said company.

Stock personal estate.

SEC. 5. William Folwell, Philip J. Gray, Gideon Scull,

Commissioners
to open books
of subscription.

William Bargh, Charles W. Churchman, David S. Brown, and Robert F. Walsh, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions amount to fifty thousand dollars, the stockholders, having had two weeks' notice in writing, or in a newspaper published in the said county of Camden, shall proceed to elect such directors and officers as they may deem necessary for conducting the affairs of the company, they to hold office until their successors shall be elected; and such directors, or their successors, shall have power to dispose of any remainder of stock, which may not have been subscribed for, in such manner and at such times as they may deem fit.

Directors to
make annual
statement.

SEC. 6. In the month of May, annually, the directors shall submit to the stockholders a written statement, under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against the company; and no dividend shall be declared or paid to the stockholders, except it be from the net profits of said corporation; and the debts of the said corporation shall at no time be suffered to exceed the capital stock paid in.

Funds not to be
employed in
banking.

SEC. 7. No part of the capital stock, or any of the funds of the said corporation, shall, at any time during the continuance of this charter, be used or employed, directly or indirectly, in banking operations, or for any purpose, whatever, inconsistent with this act.

Limitation.

SEC. 8. This act shall continue in force twenty years; but it shall and may be lawful for the legislature of this state to alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved, March 19, 1845.

AN ACT relative to bridges over the Morris Canal.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Township, &c.,
may contract
with Morris
Canal Co. for
maintenance of
bridges.

SEC. 1. The proper officers of any city, township, or county of this state, and the several turnpike companies therein, whose road passes over the said canal, may, for a proper consideration to be paid, contract with the said Morris Canal and Bank-

ing Company for the maintenance and repair of said bridges, by the said cities, townships, counties, and turnpike companies, respectively; which said bridges, after such contract or contracts made, shall be kept and maintained as other public bridges belonging to said cities, townships, counties, or turnpike companies are respectively kept, maintained, and repaired, with the same liabilities and remedies, in relation to the maintenance and repair thereof, as exist concerning other public bridges belonging to such cities, townships, counties, and turnpike companies, respectively.

SEC. 2. If any such public bridges over the said canal shall be out of repair, so as to endanger the travelling over the same, it shall and may be lawful for the proper officers of any such cities, townships, counties, and turnpike companies, respectively, to give notice thereof in writing to the said the Morris Canal and Banking Company, by serving the same on the present or any future president, cashier, or director thereof, specifying the repairs necessary to be made; and if the said the Morris Canal and Banking Company shall neglect for thirty days after such notice to make such repairs, then such cities, townships, counties, and turnpike companies, respectively, may make such repairs, and maintain an action of debt for the expenses thereof, with costs of suit, against the said the Morris Canal and Banking Company; *provided nevertheless*, that nothing in this act contained shall be so construed as to discharge the said company from any of their liabilities in relation to their bridges, imposed by their charter, unless the said company are relieved therefrom by virtue of such contract or contracts as in the first section named.

Proceedings in
case of neglect
to repair bridges

proviso.

Approved, March 19, 1845.

AN ACT to incorporate Trustees of the Mount Lucas Orphan and Guardian Institute, in the township of Princeton, in the county of Mercer.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Benjamin H. Rice, Caleb S. Green, Joseph Henry, John V. Talmage, John F. Hageman, Samuel D. Alexander, Philip Hendrickson, Samuel Miller, junior, and Franklin Mer-

Names of corpor-
ators.

Style and object of incorporation rill shall be, and they are hereby constituted a body corporate, to have succession, and exercise the powers ordinarily belonging to such bodies, by the name of "Trustees of the Mount Lucas Orphan and Guardian Institute, in the township of Princeton, in the county of Mercer;" and the sole object of this corporation shall be to relieve, maintain, educate, and provide for poor orphan and other destitute children.

Corporation may elect members, &c. SEC. 2. The said corporation shall have power to elect any male persons of full age to be members of the same, in addition to those above named, or to fill vacancies in the corporation, but not so that the whole number of trustees shall ever exceed fifteen; and when their number is less than five, they shall be competent to perform no corporate act, excepting the acts necessary to fill vacancies in the corporation; and five, at least, shall be necessary to form a quorum competent to transact any corporate business.

Corporation to choose officers. SEC. 3. The said corporation shall choose, in such manner, and as often as they may deem proper, a president, vice president, and secretary, from their own number, and such other officers and agents, from their own number or not, as may from time to time be necessary, in their judgment, to aid them in the fulfilment of their several duties and trusts; and may reasonably compensate such officers and agents for their services, from any funds of the corporation not held in trust for other specific purposes; and also shall have power to make any such by-laws and regulations, for the government of said corporation, the management of its property, the control of its officers and agents, and the discharge of its several functions, as are not repugnant to the constitution or laws of the United States, to the constitution or laws of this state, or to this act.

Notice of meetings to be given SEC. 4. Unless or until the said corporation shall establish regulations to the contrary, no regular meeting of the corporation shall be held, unless by adjournment, without five days' notice, previously given to each member, of the time and place of holding the same; and all acts of the corporation shall be determined by a plurality of the votes of the members present at a regular meeting.

General powers. SEC. 5. The said corporation shall have power to make and use a common seal, with such device and inscription as they shall think proper, and the same to change or renew at their pleasure; and, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state.

What real or personal estate may be held. SEC. 6. The said corporation may receive, take, and hold, as well by devise or bequest as otherwise, any real or personal estate for the uses and purposes contemplated by this act, and

the same may dispose of and convey for the benefit of said corporation, according to the uses and purposes aforesaid, and according to the use and intent for which said estate may have been devised, bequeathed, or otherwise conveyed to said corporation, or for its use; and no misnomer of the said corporation shall defeat any devise, bequest, or other conveyance of any such estate to or for the said corporation; *provided* the intent wherewith said devise, bequest, or other conveyance was made shall sufficiently appear upon the face of the will or other writing whereby it was intended that any such estate should pass to or for the said corporation; *provided*, that the annual income of the whole estate, real and personal, held at any time by the said corporation, shall not exceed the sum or value of six thousand dollars.

Proviso.

SEC. 7. The said corporation shall be the sole legal guardians of the persons of all destitute infant children, voluntarily surrendered to their care and management by their natural or other legal guardians, by an agreement or declaration in writing; and shall have power to bind out said children, males not before the age of fourteen, to serve until the age of twenty-one, and females not before the age of twelve, to serve until the age of eighteen, in any useful art, trade, profession, or employment; *provided*, that no child shall be so bound out by the said corporation until such child, having capacity to learn, shall have been taught to read and write; and in the several cases of poor children, contemplated by the eighteenth section of an act of this state, passed the eleventh of March, one thousand seven hundred and seventy-four, entitled, "An act for the settlement and relief of the poor," or by the first section of the supplement to said act, passed the tenth of June, one thousand eight hundred and twenty, it shall be lawful for the persons therein authorized to bind out such children, to commit the same, by an agreement or declaration in writing, signed by the said persons required to sign such children's indentures, to the care and management, and guardianship, of said corporation.

Corporation to be guardians of destitute infant children.

SEC. 8. The said corporation shall keep fair and regular entries of all their proceedings, and a just account of all their receipts and disbursements, and shall exhibit said entries and said account to the legislature of this state, whenever required by the said legislature.

Record of proceedings may be kept.

SEC. 9. The legislature may, at any time, modify or repeal this act; *provided*, that in case the same shall be at any time modified or repealed, the trustees for the time being of said institute shall, after the payment of all debts due by said corporation, have power, at any time within one year after any such modification or repeal, to convey, by the corporate name aforesaid, and as a corporation, all the property to the said corpo-

Act may be altered, &c.

ration belonging at the time of such modification, or any part thereof, to any number of citizens of this state whom they may select, not less than three, nor more than five, their heirs and assigns, who shall hold the said property thus conveyed to them, their heirs and assigns, in trust, for the sole use of said institute, according to the use and intent for which said property may have been devised, bequeathed, or otherwise conveyed to or for the said corporation.

Approved, March 19, 1845.

AN ACT to extend the charter of the Orange Bank, in the county of Essex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Time of former
acts extended.

SEC. 1. The act entitled, "An act to incorporate the Orange Bank," passed February twenty-sixth, one thousand eight hundred and twenty-eight, with the supplement thereto, passed the second day of March, one thousand eight hundred and thirty-six, be, and the same are hereby continued and extended for and during the term of twenty years from and after the time limited in the said acts for its continuance.

Act may be re-
pealed, &c.

SEC. 2. It shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Approved, March 19, 1845.

AN ACT to incorporate the town of Belvidere, in the township of Oxford, in the county of Warren.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of
township of
Belvidere.

SEC. 1. All that part of the township of Oxford contained within the following limits, to wit: beginning at the mouth of

Pophandaising creek, and running thence (first) up said creek to where the line between George W. Scranton's farm and Jacob Shoemaker's farm crosses the same; thence (second) in a straight line, in a north-easterly direction along said line between Scranton and Shoemaker, and until said straight line strikes the middle of the road running from the Belvidere and Oxford road, past Phillip Miller's, to the upper Pequest bridge; thence (third) in a straight line to the middle of said bridge; thence (fourth) in a straight line to the north-east corner of Theodore Paul's lands, being a corner between him and Abel Young; thence (fifth) in a straight line along the lines between Abel Young's lands, on the one side, and Theodore Paul's lands and Doctor George Green's lands, on the other, to the Delaware river; thence (sixth) down the said river to the place of beginning, shall be, and hereby is erected into a borough and town corporate, which shall be called and known by the name of "the town of Belvidere;" and the inhabitants thereof shall be, and hereby are incorporated by the name of "the Inhabitants of the town of Belvidere;" and, by that name, they and their successors for ever shall and may have perpetual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; may have a corporate seal, and alter the same at their pleasure; and may, by their corporate name aforesaid, purchase, receive, hold, and convey any estate, real or personal, for the public use of said corporation.

Style of incorporation.

SEC. 2. The said corporation, in addition to the rights, privileges, and immunities granted, and the duties and obligations imposed by this act, shall be entitled to all the rights, privileges, and immunities conferred, and subject to all the duties, restrictions, and liabilities imposed by the laws of this state, upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Rights and privileges of township.

SEC. 3. The inhabitants of the town of Belvidere qualified by law to vote at town meetings, shall hold a town meeting at the court house in Belvidere, on the second Monday of April next, at ten o'clock in the forenoon, and on the second Monday of April in every year thereafter, at the same hour, and at such place in said town, as the electors thereof, at their annual town meetings, shall from time to time direct and appoint; which meetings, and such other town meetings as may from time to time be convened, shall be organized and conducted in the same manner as such meetings in the townships; and the officers thereof shall possess the same powers, and be subject

Time and place of annual town meeting.

to the same duties and restrictions, unless where otherwise provided by this act.

Officers, how
elected.

SEC. 4. At such annual town meetings, the citizens of said town qualified to vote as aforesaid, shall elect, by ballot, the following officers, all of whom shall be residents in said town, to wit: one mayor, who shall be a freeholder in the town, six common councilmen, who shall have the same qualifications as are required for members of a township committee, and two inspectors of elections, all of whom shall hold their respective offices for one year, and until others are chosen and legally qualified in their stead; one clerk, one assessor, one collector, one judge of elections, two chosen freeholders, two surveyors of the highways, one or more constables, as many overseers of the highways and pound-keepers as the inhabitants of the town shall deem necessary or convenient, and as many justices of the peace as the inhabitants of the town may at the time be entitled to elect; all of whom shall possess the same qualifications, take the same oath or affirmation, give the same securities for the performance of their respective duties, hold office for the same times, and in all respects have the same powers, privileges, rights, and jurisdiction, perform the same duties, and be subject to the same restrictions, liabilities, and penalties, as the like officers elected by any township in this state, unless where otherwise directed or provided by this act; but in all cases where the word "township" occurs in the form of any oath or affirmation, bond or obligation, or in any other form prescribed by law, the word "town" shall be substituted.

Election, how
conducted.

SEC. 5. The first election of town officers shall be held by the person chosen, by the voters present, to preside at or superintend the town meeting and two inspectors of election, who, together with a clerk of the meeting, shall be chosen in the same manner, and all subsequent elections, by the judge of elections and inspectors of elections of said town, a majority of whom shall determine all questions respecting the right of voting at such election; and the name of each person voting shall be recorded by the town clerk, in a poll list kept for that purpose; each voter shall give a single ballot, designating the names of the persons for whom he votes for each office respectively; each ballot may contain the names of one person for mayor, of three for common councilmen, of one for clerk, of one for assessor, of one for collector, of one for judge of elections, of one for inspectors of elections, of one for chosen freeholders, of one for surveyor of the highways, of one for constable, of one for overseer of the highways, of one for pound-keeper, and of one for justice of the peace, when justices are to be elected, and no more; *provided*, that when more

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than two are to be elected to the office of constable, overseer of the highways, pound-keeper, justice of the peace, or to any town office, if the number to be elected is an even one, the ballot may contain half the number of names for such office, and if an odd one, then one more than half that number, and no more; the polls shall be kept open at least four hours, and not more than eight hours; and when the polls are closed, the votes shall be counted, and the number received by each person for each office, certified by the judge and inspectors, or a majority of them, and the clerk, and the several persons having a plurality of votes for each office respectively, to the number to be elected for each, shall be declared to be elected; and in case any of the officers, whose duty it is to hold or assist at such election, shall be absent, or a vacancy occur from any cause, the place of such officer or officers may be supplied in the same manner as vacancies in such offices are supplied at elections for state and county offices; *provided*, that the said judge and inspectors, or any person or persons acting as such, shall severally, before they proceed to receive any votes, take an oath or affirmation faithfully and impartially to execute the duties and services required of him by law in said election, and not to receive, or assent to receive, the vote of any person who is not duly qualified to vote, agreeably to the restrictions and provisions prescribed by law; and the clerk, or person acting as such, shall, in like manner, take an oath or affirmation faithfully and impartially to serve as clerk of such election, and execute the duties and services required of him by law; which oaths or affirmations the said judge, inspectors, and clerk are hereby authorized and required to administer to each other in a public manner.

Inspectors, &c.,
to take oath.

SEC. 6. If the inhabitants of said town fail or neglect, at their annual town meeting, to choose any of the officers required to be chosen, or if any of the officers chosen shall die, remove out of the town, refuse to serve, or become incapable of serving, the vacancies may be supplied by elections held in the manner directed in the preceding section at town meetings, to be called for the purpose, in the same manner as in the townships; and in case of the neglect of the electors for fifteen days after such failure or omission to choose, or after the death, removal, refusal, or inability of any such officers, justices of the peace excepted, the common council shall, by writing under their hands and seals, appoint suitable persons to fill such vacancies; and the persons so elected or chosen to fill vacancies shall, during the remainder of the term of said offices, possess the same powers and privileges, and be subject to the same laws, rules, and regulations as such officers elected at the annual town meeting.

Vacancies, how
to be supplied.

Common council, how constituted.

SEC. 7. The mayor and common councilmen shall constitute the common council of said town; and the said common council shall meet at such times and places as the inhabitants of the town, at their annual town meetings, may designate, or the said common council may by their by-laws appoint; and special meetings of the common council may be called by the mayor, or by any three members, by giving such notice as the by-laws may require; at the meetings of the common council the mayor shall preside, but in his absence the other members may appoint any one of their number chairman pro tempore; four members shall constitute a quorum to do business, and each member present shall be entitled to a vote; the said common council and its members, collectively and individually, shall possess the powers and perform the duties which by law belong to, or are imposed upon the township committees, the commissioners of appeal in cases of taxation, and the school committees of the townships, and the members of each, collectively and individually; and when performing the duties which belong to the said township committees, commissioners of appeal in cases of taxation, or school committees, shall receive the compensation allowed by law for the performance of such duties, but shall not be allowed compensation in more than one character for any day's service; and they shall be entitled to no pay or compensation for their services as members of the common council, except for their actual and necessary expenses in discharge of their duties.

Powers and duties of common council.

SEC. 8. It shall and may be lawful for the said common council, by not less than four concurring votes, to pass and enforce all such by-laws and ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the streets, side-walks, highways, and public alleys in said town, preventing and removing all obstructions and encroachments in and upon the same, preventing immoderate riding or driving through the streets, and riding or driving on the side-walks; for regulating and preventing the running at large of cattle, horses, sheep, goats, swine, and geese, and imposing a reasonable tax on the owners or possessors of dogs; for preventing, abating, and removing nuisances; for lighting the streets; for preventing and restraining riots, routs, disturbances, disorderly assemblages, noisy, disorderly, or indecent conduct, and drunkenness; for suppressing disorderly or gambling houses and grogeries, and for suppressing vice and immorality; for gravelling and paving streets and side-walks; for protecting shade and ornamental trees on the streets, highways, and public grounds; for protecting public property and property belonging to the corporation; for providing a supply of water, and preventing and suppressing fires; for regulating

and prescribing the duties of fire engineers and firemen, which engineers and firemen shall be exempt from serving as jurors in the courts for the trial of small causes, and in the militia in time of peace, and after serving ten years, successively, as firemen, shall be exempt from duty as such, and also remain exempt from serving as jurors in said courts, and in the militia in time of peace; for compelling the cleaning of chimneys; for regulating or preventing the carrying on of dangerous or noxious manufactures; for appointing watchmen, and prescribing their powers and duties, and regulating the police of the town; for establishing and regulating public pounds; for restraining vagrants, mendicants, and street beggars; for establishing and regulating public markets; and such other by-laws and ordinances for the peace and good order of said town, as they may deem expedient, not repugnant to the constitution or laws of this state or of the United States; and to enforce the observance of all such by-laws and ordinances, by enacting penalties for the violation thereof, either by imprisonment, not exceeding seven days, or by fine, not exceeding fifty dollars, recoverable, with costs, in an action of debt, in the name of the treasurer of the town of Belvidere, for the use of the inhabitants of the town of Belvidere, without specifying the individual name of the treasurer for the time being, before any justice of the peace residing in said town or in the township of Oxford, in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and further, the said mayor and the justices of the peace in said town, are hereby constituted and declared to be conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of imprisonment for violations of the laws and ordinances, passed as aforesaid, by warrant, under his hand and seal, directed to the keeper of the Warren county jail, who is hereby authorized and required to receive and safely keep the persons so committed, but the costs and expenses of committing and keeping such persons shall be paid by said corporation; and every person thinking himself aggrieved by the decision of such mayor or justice of the peace, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and do therein what to them shall appear just and reasonable; *provided always*, that each and every by-law and ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published and circulating in said town, before such by-law or ordinance shall go into effect; *and provided also*, that no such ordinance or by-law shall be enacted or passed, unless the same shall have been introduced before the common council at a previous meeting.

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Expense of paving, embankments, &c., to be assessed.

SEC. 9. Whenever a majority in number of the persons owning property in any district of the town subject to injury from overflow of water, who are also owners of the greater part in value of said district, shall deem it necessary to protect the same by embankments or other fixtures, or a majority in number of the persons owning any block or side of a square, who are also owners of the greater part in extent and value of said block or side of a square, shall desire to have the side-walk in front of the same paved, flagged, or gravelled, or the majority in number who shall also be owners of more than one half in value of any particular district or locality shall desire to have any improvement, which the common council are authorized to make for the benefit of such particular district or locality, and shall make application in writing, under their hands, to the common council, the said common council may appoint three competent and disinterested citizens of the town to examine the property to be protected or benefited by such embankment, side-walk, or other improvement, and assess the proportion of the expense to be borne by each owner thereof, in proportion to the benefit to each, respectively; and if after such assessment made, a majority in number of the owners of said property, who are also assessed for more than half the expense, shall declare to the common council by writing, under their hands, that they desire such embankment, side-walk, or other improvement to be made, the said common council, or a majority of them, may cause the same to be made, and the expense thereof, together with all necessary charges, to be assessed upon the owners of the property benefited thereby, in the proportion aforesaid; and the amount so assessed on each, shall be a legal lien and encumbrance upon his property so benefited until paid, and may be recovered, with costs, against such person, in any court of record having jurisdiction thereof, by action of debt, in the manner directed in the eighth section of this act; or the said common council, after giving at least one month's notice in writing to such person, or if the owner be unknown or cannot be found, then, after giving at least one month's notice by advertisement in one of the newspapers published in the town, may sell the use of said property for a term of years, not exceeding ten, to pay such assessment, together with the necessary costs, charges, and expenses.

Inhabitants of township to be competent witnesses, &c.

SEC. 10. Upon the trial of any issue, or upon the judicial investigation of any fact in which the said corporation is a party, or in which it is interested in any way, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said town; and if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead

the general issue, and give this act and the special matter in evidence at the trial.

SEC. 11. The mayor and common councilmen shall each, before entering upon the duties of his office, take and subscribe an oath or affidavit, before a justice or commissioner of the supreme court, or a judge of the court of common pleas or justice of the peace of the county of Warren, faithfully and impartially to execute the duties of his office; which oath shall be filed and kept by the town clerk.

Officers of township to take oath.

SEC. 12. The mayor of the said town of Belvidere is hereby authorized and empowered to administer oaths and affirmations in all cases where they are directed to be taken before him, or are prescribed by law, without designating before what officer, or are necessary and proper in the discharge of his duties; and the said mayor may authorize and require the constables of the town to execute all warrants or other process issued by him, in the discharge of his duty, under the same liabilities and penalties as said constables are subject to in case of warrant or other process issued by a justice of the peace.

Mayor authorized to administer oaths.

SEC. 13. The common council shall choose annually a suitable person for treasurer, who shall serve until his successor is appointed and sworn into office, whose duty it shall be to demand and receive all moneys and other property belonging to, or due, or owing in any way to the said corporation, from the collectors and other officers or persons who may have collected or received, or who may hold the same, and safely to keep the same, and all vouchers therefor, to pay out said moneys on the warrants of the common council, to account to the common council for the same, and at the expiration of his office to pay over and deliver to his successor all such moneys, property, and vouchers therefor, as may be in his hands, and at least once in each year to make out a full and true account of all moneys raised and received, by tax or otherwise, for the use of said corporation, and of the application and expenditure of the same, and deliver the said account to the town clerk, at least ten days previous to the annual town meeting; and the said clerk shall file the same in his office, and cause a copy thereof to be published in one or more newspapers published and circulating in said town, at least five days previous to such meeting; and the accounts of the treasurer shall at all times be subject to examination by the common council, who, in case of default or violation of duty, may remove him from office, and appoint another in his stead for the remainder of the year and until a successor is appointed and sworn into office.

Duties of treasurer.

SEC. 14. Such treasurer, whenever appointed, shall execute a bond to the inhabitants of the town of Belvidere, in such sum and with such securities as the common council shall ap-

Treasurer to give bond.

prove, conditioned for the faithful performance of the duties of his office; and shall also take and subscribe an oath or affirmation before the mayor, or before a judge of the court of common pleas or justice of the peace of Warren county, faithfully to perform said duties; which oath shall be filed and kept by the town clerk.

Duties of clerk. SEC. 15. The clerk of the said town, besides performing the duties required by law of a clerk of a township, unless where otherwise directed by this act, shall also be the clerk of the common council, and shall keep an exact and true record of the votes and proceedings and of all by-laws and ordinances passed by the said common council, which record shall, at all reasonable and proper times, be open to the inspection of any inhabitant of said town, on the payment of a fee of ten cents to the clerk; *provided*, that in case of the absence of the clerk from any meeting of the common council, the members may appoint any one of their number clerk pro tempore, who shall, in like manner, keep an exact record of their proceedings, and sign his name thereto.

Compensation to officers. SEC. 16. It shall be lawful for the common council to pay unto the treasurer, clerk, and other officers and agents of the town, such compensation for their services as the said common council shall deem reasonable and proper.

Common council to license taverns. SEC. 17. The said common council, or a majority of them, in common council met, shall have the sole, only, and exclusive right and power of licensing and assessing every inn-keeper, tavernkeeper, and retailer of spirituous liquors within said town, subject to the same provisions, and in like manner as the same is or may be lawfully done by the courts of common pleas in this state.

Money may be raised by town meeting. SEC. 18. The citizens of said town qualified to vote at town meeting shall be, and hereby are empowered, at their annual town meetings, or at any other meeting duly held for the purpose, to vote, grant, and raise such sum and sums of money for the purposes for which the townships in this state are authorized to vote, grant, and raise the same, and for such other purposes as are in this act specified, as the majority of them so assembled shall deem necessary and proper, which votes may be by ballot or otherwise, as such majority may from time to time determine; and the money so voted and granted shall be assessed (except as herein after mentioned), and levied, and collected, with the state and county taxes, by the proper town officers, in the same manner, and under the like fees, fines, and penalties as in the townships, and such fees, fines, and penalties shall, when recovered, be paid to the treasurer of the town, for the use of said town; *provided*, that all

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the taxes assessed and levied for town purposes, exclusive of schools and purposes of education, shall not in any year exceed one mill on the dollar of the assessed value of the property in the town, and that of all sums voted, granted, and raised for schools and purposes of education, one half shall be assessed in the same manner as the taxes for other town purposes, and the remaining half shall be assessed by an equal capitation tax upon all persons subject to assessment and taxation in said town.

SEC. 19. The said town shall be entitled to its just proportion of the school fund of this state, to be ascertained in the manner in which the quotas of the townships are or may be ascertained, which shall from time to time be paid over to the treasurer of the town, or such other person as the common council may authorize to receive it, and applied, under the direction of the common council, in the manner prescribed by law; the said town shall also be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of Oxford, in the county of Warren, are now subject, and be entitled to its just and equitable proportion of the money and property now belonging to the inhabitants of the township of Oxford, in the county of Warren; which said debts and liabilities, and also said money and property, shall be divided between the said town of Belvidere and the said township of Oxford, in proportion to the taxable property and ratables, as taxed by the assessor at the last assessment, within the respective limits of the said town and township, as established by this act; and any money or property to which the said town may so be entitled, shall be applied, under the supervision of the common council, for the purpose and in the manner for and in which they are now authorized to be used by said township; and the said town shall also be entitled to receive its just quota of the proceeds of the surplus revenue apportioned to the state of New Jersey, in the same manner as the several townships of Warren county.

Division of property, &c., of Oxford and Belvidere.

SEC. 20. The town of Belvidere shall constitute one election ward, and all elections hereafter held for officers of the county of Warren, of the state of New Jersey, and of the United States, shall be held within said town, at the place appointed by the inhabitants for the next annual town meeting; and every person resident in said town entitled to vote at such elections shall give his vote in said town, and not elsewhere; at all such elections the judge of elections, the two inspectors of elections, and the clerk, chosen as aforesaid, shall be, respectively, judge of elections, inspectors of elections, and clerk; and in case of the absence or incapacity to act of any of them, their places shall be supplied in the manner prescribed

Election of county officers.

by law; and they and each of them, or the persons appointed to act in their places, shall possess the powers, perform the duties, and be subject to the provisions of the laws regulating such elections.

Act to be submitted to inhabitants of township.

SEC. 21. The inhabitants within the bounds of the contemplated town of Belvidere qualified to vote at any town meeting shall hold an election on the first Monday of April next, at ten o'clock in the forenoon, at the court house in Belvidere; and the people so assembled, at ten o'clock on said day, shall proceed and choose a judge or judges of said election, who shall keep the poll open until the hour of three o'clock in the afternoon; and in case the majority of the votes cast be in favour of the said town of Belvidere being incorporated, then this act shall go into immediate effect, and shall be deemed, taken, and referred to as a public act, in all courts and places and by all persons; but the legislature may at any time hereafter alter, modify, amend, or repeal the same, whenever in the judgment of the legislature such alteration, modification, amendment, or repeal shall be required for the public good.

Approved, March 19, 1845.

AN ACT to ascertain the fees of assessors and collectors.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Fees of collectors.

SEC. 1. The assessors and collectors of the several townships, cities, wards, and boroughs of this state, shall each be entitled to receive eight cents, and no more, for each name on their respective duplicates, for assessing, levying, and collecting the township, city, ward, borough, county, and state taxes.

SEC. 2. The fourth section of the act entitled, "An act respecting taxes for county and township purposes," passed the fifteenth day of March, in the year eighteen hundred and thirty-seven, is hereby repealed.

Part of former act repealed.

SEC. 3. This act shall take effect as soon as it becomes a law.

Approved, March 19, 1845.

AN ACT to incorporate the New Jersey Magnetic Telegraph Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Samuel F. B. Morse, Daniel Dodd, junior, Ralph H. Shreve, Joseph C. Potts, Alfred Vail, Jesper Harding, George Vail, and William P. Sherman, and such other persons as may hereafter be associated with them, or with any five of them, in the manner herein after provided for, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the New Jersey Magnetic Telegraph Company;" and, by that name, they and their successors and assigns shall and may have continued succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, complaining and defending, answering and being answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Names of corporators.

Style of incorporation.

SEC. 2. The capital stock of said company shall be fifty thousand dollars, with liberty to increase the same, from time to time, at the discretion of the directors, to one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; said shares shall be deemed personal property, and shall be transferable in such manner as the said corporation shall, by their by-laws, direct.

Amount of capital stock.

SEC. 3. The persons named in the first section of this act, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving, at least, twenty days' notice thereof, by advertisements to be inserted in two of the newspapers published in the city of Trenton; and, after a sufficient amount of said stock shall be subscribed, may give notice of a meeting of the stockholders, for the election of nine directors, by advertisement of thirty days in one of the newspapers printed in Trenton; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall appoint inspectors of the

Commissioners to receive subscriptions.

Mode of election of directors.

first election of directors, which inspectors shall certify, under their hands, the names of the persons duly elected; and that annually thereafter upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the directors for the time being shall appoint inspectors of the next election; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act, or a majority of them, and at such meeting the subscription books shall be delivered to said directors; and said directors shall annually, as soon as may be after their election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year, by the board of directors; and in case of the absence of the president, the said board of directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 4. In case it should at any time happen that an election of directors should not be made at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until new ones shall have been chosen in their places.

Directors may make by-laws.

SEC. 5. Five directors of said company shall constitute a quorum for transacting business; and the board of directors shall have power to call in the capital of said company by instalments, as the same shall be required, on thirty days' notice, by advertisements inserted in one of the newspapers published in Trenton, and in case of the non-payment of any of said instalments within ten days of the time specified, to declare forfeited to the company the share or shares on which such default shall have occurred, with the previous payments thereon; and they shall also have power to appoint such officers as may be necessary, and to make, from time to time, such by-laws, rules, and regulations, as to them shall seem meet, touching the management and regulation of the stock, property, estate, and effects of said corporation; *provided*, that such by-laws, rules, and regulations shall not be repugnant to this act or to the constitution and laws of this state or of the United States.

Objects of incorporation.

SEC. 6. The directors of said company shall be, and they are hereby invested with all the rights and powers necessary to survey, lay out, construct, and use a line of magnetic telegraph across the state of New Jersey, for the purpose of transmitting intelligence between the cities of New York and Phila-



delphia, on the most eligible route; and it shall be lawful for said company, or their agents, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, or laying out the route of such line of telegraph, and of locating the same, doing no unnecessary injury to private or other property; and when said route shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company to contract for and acquire the fee-simple, or any lesser estate or interest in the lands which may be needed for said work, and upon obtaining such lands, or such interest therein as shall be requisite, may proceed to construct and use said telegraph; and said company may construct their said telegraph either over or under public roads or over or under navigable streams, not interfering with the travel on said roads, or the navigation on such streams; and they may use either one continuous line of wires across the state, or wires terminating at intermediate places, or both, at their discretion.

SEC. 7. If any person or persons shall wilfully injure, destroy, or obstruct the use of any telegraph constructed by virtue of this act by the said company, or any of their necessary works, such person or persons so offending shall forfeit and pay to the said company the sum of one hundred dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Penalty for injuring works of company.

SEC. 8. It shall be the duty of said company, at all proper times, without charge, on the request of any public officer of this state, to transmit (confidentially, if required,) messages relating to the public business thereof, and also at all times to assist the police officers of the state by the transmission of intelligence; and no other tax or duty shall be imposed on said company.

Public intelligence to be transmitted free of charge.

SEC. 9. No part of the funds of the company shall at any time be used in banking operations, or for any purpose whatever inconsistent with the provisions of this act.

Funds not to be used in banking.

SEC. 10. This act shall be a public act, and shall be judicially referred to and taken notice of by all courts and persons, without being specially pleaded; and the legislature may at any time hereafter alter, modify, or repeal the same.

Act to be a public act.

Approved, March 19, 1845.

AN ACT to authorize the enclosure of a certain tract of salt meadow and woodland in the township of Lodi, in the county of Bergen.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of tract.

SEC. 1. It shall and may be lawful for the owners and possessors of all that tract of salt meadow and woodland, situate in the township of Lodi, in the county of Bergen, and comprised, as near as may be, within the following boundaries, to wit: bounded on the north by the public road (commonly called the Moonochy road) leading from what is known as the Depyster, or Little Ferry farm, to the farm late of Nathaniel Budd, deceased; on the west in part by said road, and in part by lands of Hezekiah Alburts; on the south by a tract of meadow land, authorized to be enclosed by an act of the legislature of this state, entitled, "An act to authorize the enclosure of a certain tract of salt meadow in the township of Lodi, in the county of Bergen," passed February fourteenth, A. D. eighteen hundred and forty-three; and on the east in part by Hackensack river, and in part by said Depyster, or Little Ferry farm, to fence the same in common, with such fences as are deemed and declared lawful by an act entitled, "An act regulating fences," passed the twenty-third of January, seventeen hundred and ninety-nine, and to erect and maintain such gates, and build and keep in repair such bridges across ditches and creeks bounding the same, as the managers thereof, herein after mentioned, may deem proper; and from and after enclosing the same as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle, or sheep, with intent to let them run at large in said tract; *provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning horses, cattle, or sheep on such part of the said tract as may belong to him, her, or them, and as shall be kept enclosed by a sufficient and lawful fence separate from the remainder of said tract.

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Owners of land to keep up fences.

SEC. 2. The fences between the tract hereby authorized to be enclosed, and the lands of the said Hezekiah Alburts, bounding the same, in part on the west, and also those between said tract and the Depyster, or Little Ferry farm, shall be kept up and maintained sufficient and lawful by the owner or owners of said lands and of said farm, respectively, at his, her, and their own proper costs; and in case of neglect or refusal so to do, the managers of said tract, herein after mentioned, may keep up and maintain the same as aforesaid, and

the expenses thereof may be recovered, in an action of debt, with costs, in the name of any one of said managers for the time being, against the owner or owners so neglecting or refusing to keep up and maintain such fences as aforesaid.

SEC. 3. If any person or persons, whatsoever, shall drive or let any horses cattle, or sheep, into the said tract, after the same shall have been enclosed as aforesaid (except as is provided for in the first section of this act), or shall wilfully break down, destroy, or injure any part of the fence enclosing the same, or any of the gates or bridges aforesaid, such person or persons shall be liable to a penalty of ten dollars for each offence; and if any person or persons shall leave open any bars or gates in the fence enclosing said tract, either negligently or wilfully, such person or persons shall be liable to a penalty of two dollars for each offence; any of which penalties may be recovered, by and in the name of any owner or owners of any part of the said tract, in any court of competent jurisdiction in this state, in an action of debt, besides costs of suit; and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences gates, and bridges, which are authorized by this act to be made.

Penalty for
breaking down
fences, &c.

SEC. 4. If any horses, cattle, or sheep shall be found running at large on any part of the tract enclosed as aforesaid (except as is provided for in the first section of this act), it shall and may be lawful for any owner or possessor of any part of the said tract to take and drive the same to any public pound in the township of Lodi, and if there be no public pound in said township, then to any public pound in the township of New Barbadoes; and shall, as soon as may be, make an affidavit, to be taken before any justice of the peace in said county of Bergen, stating that the same were taken running at large in the said tract; and such affidavit shall state a description of the horses, cattle, or sheep so taken, which affidavit shall be delivered to the pound-keeper where the horses, cattle, or sheep are impounded; and the person impounding the said horses, cattle, or sheep shall be entitled to receive, for every head so taken and impounded, the sum of thirty-seven cents, if not exceeding four, if more, then for every head so taken and impounded, the sum of twenty-five cents, to be collected by the pound-keeper of the owner, or from the sale of the said horses, cattle, or sheep, and the same shall be the measure of damages to be paid on such occasion; and the pound-keeper is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in the case of distress for damage feasant, by the twelfth section of the act entitled, "An act regulating fences,"

Cattle found
running at large
how disposed of.

passed the twenty-third day of January, seventeen hundred and ninety-nine; and he shall be entitled to the same fees, and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act.

**Time and mode
of election of
managers.**

SEC. 5. It shall and may be lawful for any owner or possessor of any part of the said tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three public places, specifying the time of meeting, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes, at least ten days previous to the time of meeting; on which notice being given, the owners and possessors of the said tract shall convene at the house now kept by David D. Demarest, innkeeper, in the village of Hackensack; which owners and possessors, or such as shall assemble in pursuance of the said notice, shall, when met, proceed to elect, by a plurality of votes, five persons, being owners of some part of the said tract, who shall be managers thereof, and who shall make, repair, and maintain the fences necessary to enclose the said tract, gates, and bridges aforesaid, make assessments, and superintend the expenditure of all moneys to be received and paid for the purposes aforesaid; and shall also, at the same time, proceed to elect, by a plurality of votes, three judicious freeholders of the county of Bergen, not interested in the said tract, as commissioners of appeal, which said managers and commissioners of appeal shall continue in office for one year from the first Saturday in April next, and until others shall be chosen; and all elections for managers and commissioners of appeal shall be held on the first Saturday in April in each year after the present, between the hours of one and five o'clock in the afternoon, at such place as shall be designated by the managers for the time being, or a majority of them, of which place of meeting, so designated, ten days' notice shall be given, previous to the time of meeting, by advertisements signed by the said managers, or a majority of them, and put up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and all such elections shall be conducted in the same manner as that mentioned in the first part of this section.

Managers to ascertain the number of acres owned by each person.

SEC. 6. The persons so elected as aforesaid to make, repair, and maintain the fences, gates, and bridges, make assessments and superintend the expenditure of money, or a majority of them, shall, by virtue of this act, be authorized to ascertain the number of acres of land which each person owns or possesses therein, as accurately as they can, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners and possessors met at their first or any subsequent meeting; and shall fairly enter in a book, to be provided by them

for that purpose, the names of all who may own or possess any land lying within said tract, together with the number of acres owned or possessed by each, and the amount of money assessed to each; also, the names of the persons from time to time elected to superintend the expenditure of moneys assessed for making and repairing the fences, gates, and bridges aforesaid, the names of the persons from time to time elected commissioners of appeal, and the proceedings relative to enclosing of the said tract; which book shall be kept by the persons elected to superintend the expenditure of money as aforesaid.

SEC. 7. As soon as the managers aforesaid, or a majority of them, shall have ascertained the number of acres which each person may own or possess in said tract, they, or a majority of them, shall proceed to make an estimate of the probable amount of money which may be required to defray the expenses of enclosing the said tract, in the manner herein before mentioned; and shall assess and collect the same from the several owners and possessors of the said tract, ratably, in proportion to the number of acres which each may own or possess therein, that is to say: the amount to be assessed against and paid by each owner or possessor of any part of the said tract, shall bear the same proportion to the whole number of acres which each owner or possessor may have therein, that the whole amount proposed to be raised bears to the whole number of acres contained in said tract; and if the amount so assessed and collected shall be found to be insufficient to defray the expenses of enclosing the said tract, and to keep the fences, gates, and bridges as aforesaid in repair, the said managers, or a majority of them, are hereby authorized and empowered to make such further assessments, upon the principle herein before mentioned, as they, or a majority of them, shall from time to time think necessary for that purpose.

Managers to assess expenses.

SEC. 8. As soon as the said managers, or a majority of them, shall have ascertained the number of acres each individual may own or possess in the said tract, and the amount assessed against each, it shall be their duty to advertise the same, by setting up statements containing the names of all who may own or possess any land within the said tract, the number of acres owned or possessed by each, and the sum which each has been assessed to pay, for the space of twenty days, in five public places, two whereof shall be in the township of Lodi, and three in the township of New Barbadoes; to which said statements they shall subjoin a written notice, specifying the time (which shall be on some day after the expiration of the said twenty days, and fixed upon by the said managers, or a majority of them,) and place when and where the commissioners of appeal will meet for the purpose of discharging their

Amount of assessment to be advertised.

duties under this act ; and shall also furnish each of the said commissioners of appeal with a copy of the said statement and notice, at least five days before the time appointed for their meeting as aforesaid.

Persons aggrieved may appeal.

SEC. 9. It shall be the duty of the said managers to attend before the said commissioners of appeal, at the time and place mentioned in said notice, with the book herein before directed to be provided by them ; and it shall be lawful for the owners and possessors of the said tract, or such of them as shall think themselves aggrieved by the said assessment, to attend, at the same time and place, before the said commissioners of appeal, and to state their objections, either as to the number of acres for which such owner or possessor thinking himself aggrieved has been assessed, the amount assessed against him, or as to the number of acres for which any other owner or possessor has been assessed, or the sum assessed against such owner or possessor ; and the said commissioners, after hearing the objections and allegations of the person or persons thinking himself or themselves aggrieved of the managers, and of all other parties interested in said tract who may appear before them, if any shall be offered, and inquiring into such facts as they shall deem necessary to enable them to form a correct judgment, and duly considering the same, shall ascertain the number of acres each owner or possessor may have in said tract, and adjust and fix the amount to be paid by each, according to the principle mentioned in section seventh of this act, and shall make a written statement thereof ; which said adjustment, both as to the number of acres which each owner or possessor may have in said tract, and the amount to be paid by each, shall be final and conclusive ; and their statement shall be entered in the said book, and certified in writing in the said book, under the hands of the said commissioners, to be a true statement of the number of acres which each owner or possessor may have in said tract, and of the sum to be paid by each, respectively, as finally fixed and adjusted by them at the time aforesaid.

Assessment allowed, if no objection.

SEC. 10. If, at the meeting of the said commissioners as aforesaid, no objection shall be taken to the assessment, as first made by the managers aforesaid, the same shall be allowed by the commissioners without alteration, and shall be entered in the said book as final and conclusive, and be certified in the manner aforesaid.

Manner of collecting assessment.

SEC. 11. As soon as any assessment is finally adjusted and fixed, entered, and certified, as aforesaid, it shall be the duty of the said managers to demand from each individual his or her proportion, as finally fixed and adjusted as aforesaid, either personally, or by leaving a statement of the sum he or she is

to pay with some white person resident at his or her dwelling-house or place of abode; and on failure of payment thereof for thirty days after such demand, they shall make out a list of the names of such delinquents residing in the county of Bergen as shall have neglected or refused to pay their respective proportions, together with the amount due from each, respectively, thereto annexed, and shall deliver the same to some justice of the peace of said county, who, on due proof being made to him that the amount due from each delinquent, respectively, had been demanded, as is herein mentioned, more than thirty days previous thereto, (which said proof may be made by the person making the demand, who shall be a competent witness for that purpose,) and also, on due proof being made to him that the amount demanded of such delinquent was fixed and adjusted by the commissioners of appeal aforesaid, (which may be proved by the oath of one of said managers) to make out and deliver to any constable of the said county a warrant or warrants, commanding him to levy said amount due from each delinquent, respectively, mentioned therein, with costs, by distress and sale of the goods and chattels of the delinquents, giving at least four days' notice of the time and place of such sale, by advertisements set up in three of the most public places in the township in which such delinquent resides; and it shall be the duty of such constable to pay the amount raised under any warrant issued as aforesaid, to the justice issuing the same, within twenty days after the date thereof, and such justice shall forthwith pay the same to the managers aforesaid; and if any delinquent as aforesaid shall reside in any other county, then it shall be the duty of the said managers to deliver the name of such delinquent, with the amount due from him, over to any justice of the peace residing in such county, who, together with any constable of such county, shall proceed, in all things, in the manner aforesaid in collecting and paying over the amount due from such delinquent; and the justice who shall issue any such warrant, shall be allowed the sum of twelve cents for every delinquent's name contained therein, and the constable to whom the same may be delivered, thirty-seven cents for every distress and sale as aforesaid.

SEC. 12. If any constable to whom any such warrant shall be delivered, shall neglect or refuse to pay the amount collected under such a warrant, to the justice issuing the same, he shall forfeit and pay for every such neglect or refusal ten dollars, to be recovered, with costs, by action of debt, by and in the name of any one of the managers aforesaid, in any court of competent jurisdiction, besides being liable for the amount so collected as aforesaid, and which he shall refuse or neglect to pay over to the said justice; which said amount

Penalty for constable refusing payment collected.

may be recovered by and in the name of any one of the managers aforesaid, besides costs, in an action of debt, in any court of competent jurisdiction.

Vacancies, how
to be supplied.

SEC. 13. In case of the death, removal, inability, or refusal to serve of any of the said persons who shall have been elected managers, or of and or either of the persons who shall have been elected commissioners of appeal, before the next annual election, or before others shall have been chosen, then it shall and may be lawful for any three of the owners or possessors of the said tract to call a meeting of the owners and possessors of the same, at such time and place (within the townships of Lodi or New Barbadoes) as they shall appoint, giving at least ten days' previous notice of the time and place of such meeting in writing, under their hands, and put up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and the owners and possessors, or such as shall assemble in pursuance of the said notice, shall proceed to elect, by plurality of votes, a fit person or persons qualified, as is required by this act, to fill such vacancy or vacancies until such annual election, and until others shall be chosen, whose names shall be entered in the book aforesaid.

Commissioners
to take oath.

SEC. 14. The aforesaid commissioners of appeal, when convened for the discharge of their duties under this act, and before they proceed in the execution of the same, shall be sworn, before some justice of the peace of the county of Bergen, well and faithfully to execute the duties of commissioners of appeal under this act, according to the best of their knowledge and understanding, without favour or partiality.

Compensation
to managers.

SEC. 15. The commissioners of appeal elected by virtue of this act, and the persons elected as managers, shall be entitled to receive, each, at the rate of one dollar per day for every day necessarily spent in executing the duties of their offices under this act, the moneys necessary for defraying the same, to be included in and raised by the assessment to be made in manner aforesaid.

Managers to ac-
count to owners.

SEC. 16. The persons elected as managers of said tract, shall account to the owners and possessors of the same, at the time of holding their election for officers, for all moneys which have come to their hands as aforesaid, and shall pay over the balance remaining in their hands, if any, to their successors, and shall deliver to them the book or books directed to be kept as aforesaid, and all vouchers and other papers relating to the execution of their duties under this act, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by and in the name of any of their successors, with costs of

suit, in any court of competent jurisdiction, and to be applied by them, when received, to the purposes contemplated by this act.

SEC. 17. The legislature shall have power, at any, time to alter, modify, or repeal this act. Act may be altered, &c.

SEC. 18. This act shall go into effect immediately after, the same shall become a law. Act, when to take effect.

Approved, March 19, 1845.

AN ACT to incorporate the Rope and Bagging Company at Somerville.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. David Heran, Luther Loomis, Samuel P. Lyman, William Thomson, Thomas A. Hartwell, David Sanderson, and Allan Clarke, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "the Rope and Bagging Company," for the purpose of manufacturing rope, bagging, and duck, and for converting hemp and flax, in all forms, into merchandise, in the townships of Bridgewater and Hillsborough, in the county of Somerset, in this state; and, by that name, they and their successors shall be, and they are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the townships aforesaid, and any goods, chattels, and other real and personal estate necessary, useful, and proper for carrying on the manufacturing purposes aforesaid, and the same to use and employ, grant, demise, pledge, lease, and convey and dispose of, as they shall deem proper; and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, necessary for the purposes of their incorporation; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in bank-

Names of incorporators.

Style of incorporation.

Restrictions.

ing operations or for any purpose or purposes inconsistent with the provisions of this act; and the said David Heran, Luther Loomis, Samuel P. Lyman, William Thomson, Thomas A. Hartwell, David Sanderson, and Allan Clarke, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Amount of capital stock.

SEC. 2. The capital stock of the said company shall not exceed two hundred thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as five hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Time and mode of annual election.

SEC. 3. The stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president; and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote on each share of the capital stock that they may severally hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the individuals above named, or any two of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of election.

Powers and duties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties,

powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*, that such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state or of the United States.

SEC. 5. The said corporation shall not go into operation until twenty-five thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of state; and the said president and directors, or a majority of them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

Corporation,
when to go into
operation.

SEC. 6. The president and directors, with the treasurer and clerk, if such be, of the said company, shall, within thirty days after the payment of the sum of fifty thousand dollars of the capital stock, make a certificate, stating the amount of the capital so paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of
amount of capital
paid in to be
made.

SEC. 7. If any of the said officers shall refuse or neglect to perform the duties required of them in the preceding section, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded, as aforesaid.

Penalty for not
making certificate.

SEC. 8. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal
estate.

SEC. 9. The directors shall at all times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of

Books to be
open to inspection
of stock-
holders.

said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Stockholders
liable for debts
of company.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until fifty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Company, how
dissolved.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said company, disposing of its effects, recovering, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, the survivors or survivor of them, shall be trustee or trustees for the purpose aforesaid; *provided*, that no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all debts and liabilities of the company are fully paid; and in case of any violation of the provisions of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election of directors
to be by
ballot.

SEC. 12. All elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall, at any time, neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors, two or more stockholders shall receive an equal number of votes, then the directors for the time being shall, by ballot, determine which of such stockholders shall be director or directors; and on the death or resignation of any of the directors, the remaining directors shall choose, from among the stockholders, some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that pursuant to this

act it ought to have been held and made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Corporation not to be dissolved for failure to elect on day prescribed.

SEC. 14. This act shall continue in force twenty years, and the legislature may alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Limitation.

Approved, March 19, 1845.

AN ACT to incorporate the Sussex Iron Company.

WHEREAS, a number of the citizens of Morris and Sussex counties have, by their petition to this legislature, represented that they are desirous of establishing a manufacturing company at Stanhope, in said county, for manufacturing of iron in its several and various branches, and praying to be incorporated for that purpose; and whereas the prayer of the said petition appears to be reasonable and proper, inasmuch as it will be beneficial to this state, by the introduction and employment of considerable capital therein—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Edwin Post, William Nelson Wood, Jacob Lowrance, and such other persons as now are or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate in this state, by the name and style of "the Sussex Iron Company," for the sole purpose of manufacturing iron; and that, by that name, they and their successors shall have power, and continue to be a body corporate, for the term of twenty years, and be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall, in law, be capable of buying, holding, and conveying any goods,

Names of corporations.

Style of incorporation.

Proviso.

wares, and merchandise whatsoever, and also any lands, tenements, or hereditaments necessary or useful for the said corporation to carry on the manufacturing operation above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations.

Amount of capital stock.

SEC. 2. The capital stock of the said corporation shall be three hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as fifty thousand dollars of the said capital shall have been subscribed and paid, in lawful money or current bank notes, and an affidavit thereof made by a majority of the directors to be chosen in pursuance of this act, and filed in the office of the secretary of state, then it shall and may be lawful for the said corporation to commence their said business, and with that capital conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein before mentioned.

Payment of instalments.

SEC. 3. It shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exceeding ten dollars on each share at any one time, under the pain of the forfeiture of his, her, or their shares, and all previous payments made thereon to the said corporation; always giving at least thirty days' previous notice of such call and demand in one of the newspapers printed in Morris and Sussex counties.

Mode of election of directors.

SEC. 4. The stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, a majority of whom shall be citizens and residents of this state, who may, respectively, hold their offices for one year, and until others may be chosen; which directors shall at all times during their continuance in office be stockholders in the said company, in their own right, to the amount of at least five shares; and the said directors shall hereafter be elected on the first Monday in March, in each and every year, at such hour of the day and at such place as the board of directors for the time being shall appoint, of which election, public notice shall be given in one of the newspapers printed in Morris and Sussex counties, at least twenty days immediately preceding such election; and such election shall be

holden under the inspection of three stockholders, not being directors, to be appointed previously to every election by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote unless the same shall have been held by him at least sixty days immediately next preceding such election; and in case any vacancy or vacancies should occur in the board of directors, by death, resignation, or incapacity, such vacancy to be supplied by the remainder of the directors for the time being.

SEC. 5. Jacob Lowrance, William Nelson Wood, and Charles Lewis shall be commissioners, whose duty it shall be, at some suitable place in the counties of Morris and Sussex, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, in one of the newspapers printed in each of the said counties; and, as soon as the same shall be subscribed, to give a like notice for the meeting of stockholders to choose five directors; and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by said commissioners.

Commissioners
to receive sub-
scriptions.

SEC. 6. The directors first chosen, or that may thereafter be chosen, shall, as soon as may be after their election, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to serve of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in the case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation provide.

Vacancies, how
supplied.

SEC. 7. If it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Corporation not
dissolved for
failure to elect
on day prescribed.



Stock to be personal estate.

SEC. 8. The stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall from time to time make and establish, and shall be considered personal property.

Dividends not to be made from capital stock.

SEC. 9. It shall not be lawful for the directors of the said company to make dividends, except from the surplus profits arising from the business of the company, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, or to reduce the said capital stock, without the consent of the legislature; and in case of any violation of the provisions of this section, the directors under whose administration the same may have happened; except those who may have caused their dissent therefrom to be entered at large on the minutes of the said directors at the time, or were not present when the same did happen, shall in their individual and private capacities, jointly and severally, be liable to the said company, and to the creditors thereof in the event of its dissolution or insolvency, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, with legal interest on the same, from the time such liability accrued; *provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of the company, which shall remain after the payment of all its debts, upon the dissolution of the company, or the expiration of its charter.

Powers and duties of directors.

SEC. 10. A majority of the directors of said corporation shall constitute a board, and be competent to the transaction of all the business of said corporation; and all questions before them shall be decided by a majority of the voices; and they shall have power to appoint a secretary and such other officers, clerks, and servants as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said corporation as they shall deem expedient; and shall have the power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*, that such by-laws, rules, or regulations

shall not be repugnant to the constitution or laws of this state or of the United States.

SEC. 11. The directors shall at all times keep, or cause to be kept, books of account, in which shall be regularly entered all the transactions of said corporation, which books shall be subject, at all times during regular business hours, to the inspection of the stockholders of the company.

Books of account to be kept.

SEC. 12. The legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be repealed, &c.

Approved, March 20, 1845.

AN ACT

AN ACT to set off from the townships of Newton and Frankford, in the county of Sussex, a new township, to be called the township of Lafayette.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Those parts of the townships of Newton and Frankford, in the county of Sussex, lying within the boundaries and description following, to wit: beginning in the middle of the road leading from Thomas House's to Merrit Pinckney's, at the south-west corner of the township of Sparta; thence running in a direct line to a black-oak tree standing on the east side of the great road leading from Newton to Lafayette, north-east of the dwelling-house of Jacob Snook, which tree stands near the forks of the road leading from said Newton and Lafayette road to the Newton and Deckertown turnpike; thence, continuing the same course from said black-oak tree, until it strikes the aforesaid turnpike; thence, along the centre of said turnpike, until it strikes the line of the townships of Newton and Frankford; thence, in a direct line, to a corner of the townships of Frankford and Wantage, south-east of the dwelling-house of John Clay; thence, along the line of the townships of Frankford and Wantage, to a corner of the townships of Hardyston and Frankford, north of the dwelling-house now occupied by Jonathan A. Dusenberrie; thence, along the line of the townships of Frankford and Hardyston, until it strikes the line of the township of Sparta; thence, along the line of the township of Sparta, to the beginning,

Boundaries of township.

shall be, and the same is hereby set off from the townships of Newton and Frankford, in the county of Sussex, and made a separate township, to be called and known as "the township of Lafayette."

Inhabitants of township incorporated.

SEC. 2. The inhabitants of the said township of Lafayette shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Lafayette, in the county of Sussex," and vested with, and entitled to all the powers, privileges, authorities, and advantages, and subject to the like regulations and government, as other townships of this state.

First annual town meeting.

SEC. 3. The inhabitants of the township of Lafayette shall hold their first annual town meeting at the house of Hazlet Slater, innkeeper, in the village of Lafayette, in said township of Lafayette, on the second Monday in April next.

Committees to apportion property.

SEC. 4. The township committees of the townships of Newton, Frankford, and Lafayette shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of Hazlet Slater, innkeeper, in the village of Lafayette, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessors, within the respective limits of said townships, at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Lafayette shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of said township committees shall neglect to meet as aforesaid, those present may proceed to make such division; and their decision, or the decision of a majority of them, shall be final and conclusive.

Inhabitants, where to vote.

SEC. 5. All persons residing within the limits of the said township of Lafayette, who would have been entitled to vote at the next annual town meeting of either of the townships of Newton and Frankford, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Lafayette.

Commissioners to survey lines.

SEC. 6. Moses Woodruff, Alexander Boyles, and John Snyder, or any two of them, be, and they are hereby appointed commissioners, to run, survey, mark, and ascertain said lines herein before mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner, and in all respects, as if they had been appointed commissioners for the

purpose aforesaid by the inferior court of common pleas in the county of Sussex, upon the application of chosen freeholders of the said county, except, only, it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment; and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Sec. 7. The sixth section of this act shall go into effect immediately after the passage thereof, and the remaining sections shall go into effect on the second Monday of April next.

Act, when to take effect.

Approved, March 20, 1845.

Supplement to an act entitled, "An act respecting bridges," passed November fifth, seventeen hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Sec. 1. When it shall be necessary to erect, rebuild, or repair any bridge in a township, or between any two townships in the same county, the expense whereof shall exceed fifty dollars, and be less than five hundred dollars, it shall be the duty of the overseer of the highway within whose limits or division the same may be, or of either of the overseers of the highways of the adjoining townships, to give notice thereof in writing, under his hand, to the chosen freeholders of such township and of the two next adjacent townships, and in such notice to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order, if they think proper, the said bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands.

Overseers of highways to give notice of building or repairing bridges.

Sec. 2. When the expense of erecting, rebuilding, or repairing such bridge shall not exceed fifty dollars, inclusive of the

Expense of building bridge, how defrayed.

necessary materials, it shall and may be lawful for the overseer of the highways within whose limits and division the same may be, and the two chosen freeholders of the said township, or the major part of them, to direct such bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the amount of the said expense, not exceeding the sum aforesaid, the director of the said board of chosen freeholders shall draw on the county collector, who is hereby authorized and directed to pay such order out of any county moneys in his hands.

Part of former
act repealed.

SEC. 3. So much of the first section of the act to which this is a supplement, as conflicts with the provisions of this act, and also the whole of the second and third sections of the said act, are hereby repealed.

SEC. 4. This act shall go into operation on the second Wednesday of May next.

Approved, March 20, 1845.

A supplement to the act entitled, "An act concerning justices of the peace and courts of general quarter-sessions," passed the twenty-second day of November, seventeen hundred and ninety-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Courts of general
quarter-sessions,
how constituted.

SEC. 1. The judges for the time being of the respective inferior courts of common pleas in and for the several counties of this state, or any three or more of them, shall, by virtue of this act, constitute the courts of general quarter-sessions of the peace in and for said counties, respectively; and such courts shall have the same power and authority as heretofore.

Parts of former
acts repealed.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Act, when to
take effect.

SEC. 3. This act shall take effect as soon as it becomes a law.

Approved, March 20, 1845.

AN ACT to continue county collectors in office, until successors are elected.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

All county collectors hereafter elected, and who shall give bond as required by law, shall continue in office and exercise all the rights, and discharge all the duties appertaining thereto, until their successors are lawfully elected; subject, however, to all laws in force applicable to, or affecting their said office of county collector.

County collectors to continue in office in certain contingencies.

Approved, March 20, 1845.

A supplement to "An act to establish a uniform standard of weights and measures in this state."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

The time mentioned in the second section of the act to which this is a supplement, passed March thirteenth, eighteen hundred and forty-four, shall be, and is hereby extended to the term of one year from the passage of this act.

Time of former act extended.

Approved, March 20, 1845.

A supplement to "An act respecting the court of chancery."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Hereafter whenever an execution against the property of a defendant shall have been issued on a judgment at law, and shall have been returned unsatisfied, in whole or in part, leaving an amount or balance remaining due exceeding

Bill may be filed in chancery for discovery of property.

one hundred dollars, exclusive of costs, the party suing out such execution may file a bill in chancery to compel the discovery of any property or thing in action belonging to the defendant in such judgment, and of any property, money, or thing in action, due to him or held in trust for him, except such property as is now reserved by law, and to prevent the transfer of any such property, money, or thing in action, or the payment or delivery thereof to the defendant, except when such trust has been created by, or the fund so held in trust has proceeded from some person other than the debtor himself.

The court to have power to compel discovery.

SEC. 2. The court shall have power to compel such discovery, and to prevent such transfer, payment, or delivery, and to decree satisfaction of the sum remaining due on such judgment out of any personal property, money, or things in action belonging to the defendant, or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery; *provided*, that if the personal property, money, or thing in action, which shall be discovered as aforesaid, does not amount to the sum of one hundred dollars, no costs shall be recovered by the plaintiff against the defendant in such proceeding.

Approved, March 20, 1845.

AN ACT to establish the township of Franklin, in the county of Hunterdon.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of township.

SEC. 1. All that part of the township of Kingwood, in the county of Hunterdon, lying north of a line to begin at a stone standing in the Kingwood and Delaware line, in the great road near Elisha Warford's farm, and from thence in a straight line to the Alexandria and Kingwood line, in the middle of the great road opposite the school-house near the episcopal church, known by the name of the St. Thomas church, shall be, and the same is hereby set off from the said township of Kingwood, into a separate township, to be called and known by the name of "the township of Franklin."

Commissioners to survey lines.

SEC. 2. Wilson Bray, Peter Sigler, and Adams C. Davis, or any two of them, are hereby appointed commissioners, to run, survey, mark, and ascertain the said lines, as herein

before mentioned; which said commissioners shall, before the first Monday in April next, execute and discharge the duties of their said appointment, in the same manner, and in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas of the county of Hunterdon, upon the application of chosen freeholders of the said county, except, only, that it shall not be necessary for the said commissioners to give notice of the time and place to perform the duties of their said appointment; and that the charges and expenses of said commissioners shall be taxed and paid, as is by law directed in the case of commissioners appointed by the court of common pleas upon the application of the board of chosen freeholders.

SEC. 3. The inhabitants of the said township of Franklin shall be, and they hereby are constituted a body politic and corporate, in law, and shall be styled and known by the name of "the Inhabitants of the township of Franklin, in the county of Hunterdon," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Hunterdon are or may be entitled or subject to by the existing laws of this state.

Inhabitants incorporated.

SEC. 4. The inhabitants of the said township of Franklin shall hold their first annual town meeting at the inn of Samuel Trimmer, in the village of Quakertown, in the said township of Franklin, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Hunterdon.

First annual town meeting.

SEC. 5. The town committees of the townships of Kingwood and Franklin shall meet on the first Monday after the next annual town meetings in the said townships of Kingwood and Franklin, at the inn now occupied by Jacob Moore, in the village of Baptistown, in the said township of Kingwood, at ten o'clock in the forenoon of said day; and shall then and there, or as soon afterwards as may be, proceed by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships of Kingwood and Franklin all the property and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor of the said township of Kingwood at the last annual assessment; and the inhabitants of the said township of Franklin shall be liable to pay their just proportion of the debts, if any there be.

Committees to allot property, &c.

SEC. 6. The said township committees of Kingwood and Franklin shall, at their first meeting, or as soon after as may be, make division by writing, signed by a majority of the

Settlement of
paupers.

members of each township committee, of the paupers at that time chargeable to the said townships, in proportion to the taxable property and ratables, as taxed by the assessor of the said township of Kingwood at the last annual assessment.

Act, when to
take effect.

SEC. 7. This act shall take effect and be in force on and after the first Monday in April next.

Approved, March 21, 1845.

AN ACT to authorize and require John Hall, of the township of Howell, in the county of Monmouth, to pay Catharine Frizaleer certain moneys, therein named.

Preamble.

WHEREAS Catharine Frizaleer, of the township of Howell, in the county of Monmouth, in and by her petition, verified by affidavit, represents that her son, the late William Clark, died seized of real and personal estate in said county; and that Samuel Hall, late of said county, deceased, as administrator to the estate of said William Clark, deceased, did sell and dispose of all his said estate according to law, and after paying all the claims against the said estate, there remained in the hands of the said administrator a balance of three hundred and forty-two dollars and fifty cents; and the said William Clark, leaving no issue or lawful heirs to claim, or who have claimed, the said balance, and the said Samuel Hall having paid to the said Catharine Frizaleer the interest and part of the principal of the said balance, to the amount of ninety-two dollars and fifty cents, in his lifetime; and since the death of the said Samuel Hall, the administrator to his estate, to wit, John Hall, of said county, having doubts of the propriety of paying any further of the moneys coming to his hands from the estate of the said William Clark, deceased, to the said Catharine Frizaleer, and it appearing right and proper that she should be benefited by the estate of her son, the said William Clark, deceased, inasmuch as the same remains in the hands of the said John Hall unclaimed by any other person—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

John Hall, administrator of Samuel Hall, late of the township of Howell, in the county of Monmouth, deceased, pay

over to Catharine Frizakeer the amount being or remaining in his hands of the estate of William Clark, late of said county, deceased, or so much thereof, from time to time, as may be necessary for her comfortable support and maintenance during her natural life.

Administrator
authorized to
pay over am't
due.

Approved, March 21, 1845.

AN ACT to ascertain the time of holding certain courts in this state.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The first term of the court of errors and appeals in the last resort shall commence and be held on the first Tuesday of May next, and thereafter the regular terms of said court shall commence and be held annually on the third Tuesdays of April, July, October, and January, respectively.

Courts of errors
and appeals.

SEC. 2. After the term of May next, of the supreme court, the regular terms of the said court shall commence and be held annually, at Trenton, on the first Tuesdays in January, April, July and October, respectively, and not otherwise.

Supreme court.

SEC. 3. After the term of April next, of the court of chancery, the regular terms of the said court shall commence and be held annually, on the third Tuesdays in March, June, September, and December, respectively, and not otherwise.

Court of chan-
cery.

SEC. 4. After the first day of June next, the regular terms of the several courts held in and for the county of Bergen, shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise.

Bergen.

After the term of June next, of the several courts held in and for the county of Hudson, the regular terms of said courts shall commence and be held annually, on the second Tuesdays in February, May, August, and November, respectively, and not otherwise.

Hudson.

After the first day of June next, the regular terms of the several courts held in and for the county of Essex, shall commence and be held annually on the fourth Tuesdays in Fe-

Essex.

bruary, May, August, and November, respectively, and not otherwise.

Monmouth. After the first day of June next, the regular terms of the several courts held in and for the county of Monmouth, shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise.

Middlesex. After the term of June next, of the several courts held in and for the county of Middlesex, the regular terms of said courts shall commence and be held annually, on the third Tuesdays in February, May, August, and November, respectively, and not otherwise.

Somerset. After the first day of June next, the regular terms of the several courts held in and for the county of Somerset, shall commence and be held annually, on the fourth Tuesdays in February, May, August, and November, respectively, and not otherwise.

Warren. After the term of June next, of the several courts held in and for the county of Warren, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in March, June, September, and December, respectively, and not otherwise.

Sussex. After the term of May next, of the several courts held in and for the county of Sussex, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise.

Morris. After the first day of May next, the regular terms of the several courts held in and for the county of Morris, shall commence and be held annually, on the third Tuesdays in February, May, August, and November, respectively, and not otherwise.

Passaic. After the first day of July next, the regular terms of the several courts held in and for the county of Passaic, shall commence and be held on the first Tuesdays in March, June, September, and December, respectively, and not otherwise.

Hunterdon. After the first day of June next, the regular terms of the several courts held in and for the county of Hunterdon, shall commence and be held annually, on the second Tuesdays in February, May, August, and November, respectively, and not otherwise.

Mercer. After the term of March of the present year, of the several courts held in and for the county of Mercer, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in March, June, September, and December, respectively, and not otherwise.

After the term of May next, of the several courts held in and for the county of Burlington, the regular terms of said courts shall commence and be held annually, on the third Tuesdays in February, May, August, and November, respectively, and not otherwise. Burlington.

After the term of June next, of the several courts held in and for the county of Camden, the regular terms of said courts shall commence and be held annually, on the first Tuesdays in February, May, August, and November, respectively, and not otherwise. Camden.

After the term of June next, of the several courts held in and for the county of Cumberland, the regular terms of said courts shall commence and be held annually, on the second Tuesdays in February, May, August, and November, respectively, and not otherwise. Cumberland.

After the term of June next, of the several courts held in and for the county of Salem, the regular terms of said courts shall commence and be held annually on the third Tuesdays in February, May, August and November, respectively, and not otherwise. Salem.

After the term of March, of the present year, of the several courts held in and for the county of Gloucester, the regular terms of said courts shall commence and be held annually, on the fourth Tuesdays in February, May, August, and November, respectively, and not otherwise. Gloucester.

After the first day of July next, the regular terms of the several courts held in and for the county of Atlantic, shall commence and be held annually, on the second Tuesdays of June, September, and December, respectively; and the inferior court of common pleas and court of general quarter-sessions of the peace and orphans' court, in and for said county, shall hold annually one other term, commencing on the first Tuesday in March. Atlantic.

After the term of May, of the several courts held in and for the county of Cape May, the regular terms of said courts shall commence and be held annually, on the second Tuesday in March and the first Tuesday in August; and the inferior court of common pleas and the court of general quarter-sessions of the peace and orphans' court, in and for said county, shall hold annually two other terms, commencing on the first Tuesdays in June and December, respectively. Cape May.

SEC. 5. All writs, process, recognizances, and other proceedings of the above mentioned courts, shall be made returnable at, and in conformity to the terms and times hereby established; and all causes, suits, actions, indictments, rules, and other proceedings, remaining undetermined in any of the above men- Suits, &c., to be continued.

tioned courts, at the time when this act shall take effect, thereupon shall be continued, and further proceedings may be had thereon and therein in the said courts respectively, at the terms and times hereby established, in the same way and manner, in every particular, as by law they could and might have been continued and proceeded upon in the said several courts, if this act had not been passed.

Parts of acts
repealed.

SEC. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, April 4, 1845.

AN ACT to reannex a part of the township of Millstone, in the county of Monmouth, to the township of Monroe, in the county of Middlesex.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Part of Mill-
stone reannexed
to Monroe.

SEC. 1. All that part of the township of Millstone, in the county of Monmouth, which formerly belonged to the township of Monroe, in the county of Middlesex, and which was set off from the county of Middlesex, and attached to the county of Monmouth, by an act entitled, "An act to set off a new township in the counties of Monmouth and Middlesex, to be called the township of Millstone," passed February twenty-seventh, eighteen hundred and forty-four, be, and the same is hereby set back, restored, reannexed, and attached to the township of Monroe, in the county of Middlesex; and the boundary line which was established and existed before the passage of the act above mentioned, is hereby declared and re-established as the boundary line between the counties of Middlesex and Monmouth, the same as if such act had never been passed.

Officers to hold
appointments,
and courts to
exercise juris-
diction, for a
certain time.

SEC. 2. The township officers within the limits of the territory hereby attached to the county of Middlesex, shall continue to hold, exercise, and enjoy their several respective offices and appointments, with the powers and privileges thereto belonging, within the limits of said county of Monmouth, until the second Tuesday in March, instant; and all courts at the time of the passing of this act existing and being within the limits of said territory, shall continue to have and exercise

jurisdiction within the same, until the second Monday of May next, in the same manner as if this act had not been passed; and on and after the second Tuesday in April next, and until their respective terms of office in the county of Monmouth shall expire, all persons in county office at the time of the passing of this act, resident within the said territory, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Middlesex, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Middlesex; *provided*, that all judges of the court of common pleas and all justices of the peace shall take and subscribe the official oaths or affirmations required by law, within the said county of Middlesex, on or before the first day of May next, and before they act in their respective offices as officers of the county of Middlesex.

SEC. 3. All actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Monmouth, as the same stood before the passing of this act, before the second Tuesday of April next, shall be in no wise affected by this act; but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, anything herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall, at the time when this act takes effect, reside within the limits of the territory above mentioned, or where, in any local action, the cause of action arose within said territory, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the county of Middlesex, and the cause tried therein, as if the said action had originally been commenced in said county.

Actions, &c., in Monmouth, not to be affected.

SEC. 4. All judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Monmouth, upon any action, suit, or proceeding actually commenced or depending before the second Tuesday of April next, shall be of the same force and effect, within the territory mentioned in the first section of this act, as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of said county of Middlesex, in the same manner as he should by law have done in case this act had

Judgments, &c., obtained in Monmouth, to be of same effect in Middlesex.

not been passed ; and upon such judgment or judgments a writ of scire facias may issue, as allowed by law in other cases, directed as aforesaid ; and thereupon such further proceedings shall be had therein, as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Orders for sale
by orphans'
court not affect-
ed.

SEC. 5. All orders for the sale of real estate by the orphans' court of the county of Monmouth, when the same shall lie within the said district, shall not be affected, but the same may be completed, and titles made by the order of the court aforesaid, as if this act had not been passed.

Act, when to
take effect.

SEC. 6. This act shall go into effect immediately after the passage thereof.

Approved, March 21, 1845.

A supplement to an act entitled, " An act concerning distresses," passed March sixteenth, seventeen hundred and ninety-five.

Preamble.

WHEREAS, by the laws of this state, the remedy to recover rent by distress is only authorized in cases where the relation of landlord and tenant exists at the time the remedy is sought to be enforced, by reason whereof, landlords are frequently defrauded of the arrears of rent due at the expiration of the tenancy—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

When landlords
may distrain for
rent.

SEC. 1. It shall and may be lawful for any person or persons, having any rent in arrear and due upon a lease for term of life or lives, year or years, or at will, ended or determined, to distrain for such arrears, after the determination of the said respective leases, in the same manner as they might have done if such lease or leases had not been ended or determined ; and that, notwithstanding the said tenant may have removed from the leasehold premises, and notwithstanding the relation of landlord and tenant may have ceased to exist between the parties, anything in the seventeenth section of the act to which this is a supplement to the contrary notwithstanding ; *provided*

such distress be made within the space of ten days after the end and determination of such term or tenancy.

SEC. 2. The proviso in the eighth section of the act to which this is a supplement shall be so construed as that the distress therein mentioned and limited to be made within six months after the rent shall have become due, may be made within six months after a year's rent shall have become due, although such rent may, by the terms of the tenancy, have been payable monthly, quarterly, or semi-annually.

Construction of
part of former
act.

Approved, March 22, 1845.

A further supplement to an act entitled, "An act respecting the court of chancery," passed the thirteenth of June, seventeen hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. When any bill shall be exhibited in the court of chancery of the state of New Jersey, to stay proceedings at law in any personal action, after verdict or judgment, it shall be lawful for the chancellor to grant an injunction, staying proceedings at law in the action or actions complained of in such bill, after verdict or judgment at law shall have been given; provided the party exhibiting such bill, and praying such injunction, shall give such security, by bond, as the chancellor shall deem good to the party or parties at law against whom such injunction is prayed, in double the amount of such verdict or judgment and costs at law, with condition to abide such order or decree as the chancellor shall make in the premises.

Injunction to be
granted in cer-
tain cases.

SEC. 2. When any injunction shall be granted upon bond as aforesaid, and the party against whom the same has been granted shall think the said bond not sufficient security, such party may apply to the chancellor to have the security made sufficient, whereupon the chancellor, if he shall deem it expedient to hear such applicant, shall direct notice to be given to the party making said bond to appear before him, at such time and place as he shall appoint; and upon proof that the notice directed has been duly served, the chancellor shall hear the matter, if moved so to do, with power to adjourn; and if, upon the hearing of the matter, it shall appear that the said

Chancellor may
order further
security, &c.

bond is not sufficient security, then the chancellor shall have power to order further security; and if such further security shall not be given, according to the order made for that purpose, then, for that cause, the chancellor shall have power to dissolve the injunction granted on such bond.

Case may be referred to a master.

SEC. 3. The chancellor shall have power to refer the whole matter of the second section to a master in chancery, and such master to whom the same may be referred, shall hear the parties, after at least six days' notice to the party making the said bond, and make report to the chancellor with all convenient speed.

Injunctions may be granted in mixed actions.

SEC. 4. If the action at law be a mixed action, it shall be lawful for the chancellor, after verdict or judgment therein, to grant an injunction staying proceedings at law, provided the party applying for such injunction shall give such security, by bond, to the party against whom the injunction is prayed, as the chancellor shall direct; which bond, in this section mentioned, when given, shall be subject to the provisions of the second and third sections hereof.

Approved, March 22, 1845.

A further supplement to an act entitled, "An act to regulate the fisheries in the river Delaware, and for other purposes," passed November twenty-sixth, eighteen hundred and eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Number of nets to be used within certain limits

SEC. 1. If any person or persons, whomsoever, shall cast, draw, or otherwise use, for the purpose of catching fish, more than one seine or net in any pool or fishing place in the river Delaware, within the jurisdiction of this state, at any place opposite to or above the lower mouth of Rancocus creek, in the county of Burlington, in the state of New Jersey, and more than two seines or nets in any one pool or fishing place from thence as far down as the concurrent jurisdiction of this state and the state of Pennsylvania extends, within any one term of twenty-four hours, beginning at sunrise, and ending at sunrise the day following, or shall be aiding or assisting therein, contrary to the true intent and meaning of this act or the act entitled, "An act further supplementary to an act entitled, an act

to regulate fisheries in the river Delaware, and for other purposes," passed the twenty-eighth day of November, A. D. eighteen hundred and twenty-two, he, she, or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every such offence; *provided always*, that it shall and may be lawful for any person or persons who, by accident or otherwise, may be deprived of the seine or net first used in any pool or fishing place, in any term of twenty-four hours, to withdraw the same, and substitute another seine or net in the place of the one so withdrawn.

SEC. 2. The second section of the act entitled, "An act further supplementary to an act entitled, an act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-eighth day of November, A. D. eighteen hundred and twenty-two, be, and the same is hereby repealed; *provided*, that the said repeal shall in no wise affect, invalidate, or make void any proceedings legally had or commenced under the said second section of the act aforesaid, but the same shall be prosecuted to judgment and execution, as though the provisions of the said section were still remaining in force.

Part of former
act repealed

SEC. 3. This act shall go into operation on the fourth day of July next, and not before, or at any time thereafter whenever the legislature of the state of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part; and the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit the same to the legislature of that state.

Act, when to
take effect.

Approved, March 22, 1845.

A further supplement to the act entitled, "An act to facilitate the administration of justice," passed the fourteenth of February, eighteen hundred and thirty-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The supreme court, in term time, or any two justices thereof, in vacation, whenever in their opinion the ends of justice and the public interest require it, may order a special

Special circuit
court, how or-
dered.

circuit court to be holden in any county in this state, for the trial of any indictment or indictments for murder or manslaughter, which have been, or may be removed into the supreme court, and which may require to be tried in the circuit court of such county; but such order shall designate the indictment or indictments to be tried at such special court, and whether to be tried by a jury or juries of the county in which such special court is to be held, or by a foreign jury or juries; and upon the service of a copy of such order upon the sheriff of said county, at least twenty-five days before the time appointed for holding such special circuit, it shall be his duty to cause to be selected, and to summon in the manner now directed by law, a sufficient number of petit jurors to serve at such court, unless the indictment or indictments to be tried at such special court is or are to be tried by a foreign jury or juries; and all process of venire and subpoena made returnable thereat, shall be as good and effectual as if the same were made returnable to a stated term of said courts.

Indictments
may be tried by
foreign juries.

SEC. 2. The supreme court, whenever in their opinion a fair and impartial trial cannot be had before a jury of the proper county, may, upon motion in behalf of the state, or on the part of any defendant or prisoner, order any indictment, found and presented at any court of oyer and terminer and general jail delivery, or at any court of general quarter-sessions of the peace, in this state, except such indictments as by law are triable in the court of general quarter-sessions of the peace, to be tried by a foreign jury, in the court and county in which such indictment was found.

SEC. 3. In cases arising under the foregoing sections, foreign juries shall be obtained, and special circuit courts held, upon such terms, and subject to such rules and regulations, as the supreme court shall from time to time order and direct; *provided* the same be consistent with this act, the constitution of this state, and of the United States.

Hearing of com-
mon business,
&c.

SEC. 4. It shall be lawful for the justices of the supreme court, at every term thereof, to designate, in such way as to them may seem proper, one or more of their number to sit during term time in a separate apartment from that in which the regular term is held, for the purpose of hearing and deciding all such matters as, by the rules of the said court, are or may be denominated common business; whose decisions and judgments shall be as good and effectual as if they had been rendered at the bar of said court; and all rules made and granted, and judgments or decisions pronounced by such justice or justices, so sitting apart from the other judges, shall be entered in a separate book of minutes, to be kept for that pur-

pose, and be of the same force and effect as if entered in the regular minutes of the term. •

SEC. 5. This act shall take effect immediately.

Approved, March 24, 1845.

A supplement to the act entitled, "An act for the preservation of cranberries," passed the sixteenth of February, eighteen hundred and thirty-two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

If any person shall take or gather, and carry away from the vines, at any times after the first day of June, and before the fifth day of October, any cranberries, within this state, on any land not the property of such person or persons, or for which they pay no tax, such person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine, not exceeding ten dollars.

Penalty for gathering cranberries in certain cases.

Approved, March 24, 1845.

AN ACT to authorize Zebedee M. Wills, of the county of Burlington, to convey certain lands, late of Hope Haines, deceased.

WHEREAS certain of the heirs and devisees of Hope Haines, late of the township of Northampton, in the county of Burlington, in this state, deceased, have presented their petition to the legislature, setting forth that the said Hope Haines, in her lifetime, authorized Zebedee M. Wills, as her agent, to make sale of divers lots and parcels of pine land, situate in the county of Burlington, belonging to her, the said Hope Haines; and that the said Zebedee M. Wills, in pursuance of such authority, did make sale of the said lands to Charles

Preamble-

Collins, junior, Samuel Stackhouse, William Cowperthwaite, and Isaac Glover, Robert B. Stokes, and Joseph E. Troth, and John S. Cowperthwaite, and that the said Hope Haines departed this life before the time agreed upon for executing deeds of conveyance for the same, and without having executed such deeds; and in and by her last will and testament appointed Charles Stokes and Thomas F. Budd her executors, but did not clothe them with power to execute any conveyances of lands; and whereas said petitioners have prayed that an act may be passed, authorizing the said Zebedee M. Wills to make and execute deeds of conveyance of said lots of land to said purchasers, respectively, upon their severally complying with the conditions of sale, and to pay over the purchase money to the said executors, to be disposed of agreeably to the directions of the said will; and whereas the contracts for the sale of said lands were made before the adoption of the present constitution of this state—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

**Z. M. Wills
authorized to
make deeds,&c.**

SEC. 1. Zebedee M. Wills, of the county of Burlington, shall be, and he is hereby authorized, in fulfilment of the said contracts of sale heretofore mentioned, to make, execute, and deliver to the said Charles Collins, junior, Samuel Stackhouse, William Cowperthwaite, and Isaac Glover, Robert B. Stokes, and Joseph E. Troth, and John S. Cowperthwaite, good and sufficient deeds, conveying unto them, respectively, their, and each of their heirs and assigns, all the right, title, interest, and estate of which the said Hope Haines died seized of, in, and to the said several lots or parcels of pine land, so sold to them as aforesaid, and to receive from them, respectively, upon delivery of said deeds, the purchase money mentioned in the said contracts of sale.

**Purchase money
to be paid
to executors.**

SEC. 2. The said Zebedee M. Wills, before he proceeds to execute and deliver said deeds, and receive the said purchase moneys as aforesaid, shall enter into bond to the ordinary, or surrogate general of this state, in double the amount of moneys so to be received, with such sureties as shall be approved by the surrogate of the county of Burlington, conditioned for the payment of the said purchase moneys, when received, to the executors of the said Hope Haines, deceased; which bond shall be filed with the said surrogate, in his office, there to remain for the benefit of such person or persons as shall or may be interested therein.

Approved, March 25, 1845.

A supplement to the act entitled, "An act to ascertain the time of holding certain courts in this state," passed April fourth, eighteen hundred and forty-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. After the term of April, of the present year, of the court of chancery, the regular terms of the said court shall commence, and be held annually, on the third Tuesdays in March, June, September, and December, respectively, and not otherwise. Terms of court of chancery.

SEC. 2. The act to which this is a supplement, shall take effect in the county of Cape May, immediately after the term of May next, of the several courts held therein. Act, when to take effect in Cape May.

SEC. 3. The third section of the act to which this is a supplement, is hereby repealed. Part of former act repealed.

SEC. 4. This act shall take effect immediately.

Approved, April 4, 1845.



AN ACT to regulate the proceedings of the court of errors and appeals.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. The court of errors and appeals in the last resort in all causes, consists of the chancellor, the justices of the supreme court, and six judges, appointed for that purpose, or a major part of them. Court, how constituted.

SEC. 2. When an appeal from an order or decree in chancery shall be heard, the chancellor shall inform the court of the reasons for his decree; but shall not sit as a member, or have a voice in the hearing or final sentence. Appeal from chancery.

SEC. 3. When a writ of error shall be brought, the justices or judges who have given judicial opinions in the cause, in favour of or against any error complained of, shall assign their reasons for their judgment; but shall not sit as members, or have a voice on the hearing, or for its affirmance or reversal. Writ of error.

- Reasons assigned to be in writing.** SEC. 4. The reasons so to be assigned by the chancellor, justices of the supreme court, or judges of the circuit court, shall be submitted in writing, before the argument of the appeal or writ of error, as the case may be.
- Clerk.** SEC. 5. The secretary of state is clerk of this court; the seal shall be that heretofore used, until otherwise ordered by the court.
- Court to appoint officers.** SEC. 6. The court shall have power to appoint, from time to time, such subordinate officers as may be necessary for the convenient transaction of business, and to fix their compensation.
- Compensation.** SEC. 7. The compensation of the members of this court, and of the clerk, shall be the sum of three dollars by the day, for every day they shall, respectively, attend the court; and the sum of one dollar for every ten miles they shall travel, in going to and returning from the place of holding the court, on the most usual route.
- How paid.** SEC. 8. The compensation aforesaid shall be paid by the treasurer of the state, upon a certificate signed by the president of the court.
- Writs, &c., how tested.** SEC. 9. The writs and process shall be signed by the clerk, and tested in the name of the president, and may be returned at any of the stated terms of this court.
- Judgments in circuit courts.** SEC. 10. Final judgments in any circuit court may be brought, by writ of error, directly into this court, in the same manner, and subject to the same rules, as are now provided by law in case of a writ of error to the supreme court.
- Causes now pending to be continued.** SEC. 11. All causes depending in the court of appeals in the last resort, at and immediately before the time when the present constitution of this state went into effect and operation, shall be continued, and further proceedings therein may be had in the court of errors and appeals established by said constitution; and the said court of errors and appeals may, from time to time, make rules and regulations of practice, and alter, amend, or revoke any rule of practice, so as to obviate doubts, advance justice, and expedite suits; *provided* the same be not contrary to this act, the constitution of this state, or of the United States.
- Vacancies, how supplied.** SEC. 12. When a vacancy happens in the office of any of the six appointed judges of this court, before his term of office as such judge has expired, his successor shall be appointed, and hold for the unexpired term only.
- Oaths.** SEC. 13. The oath of office and of allegiance may be administered to the president by any member, and by the president to each of the other members of the court.

SEC. 14. The chancellor, when present, shall be the president of this court; in case of his absence, the chief justice of the supreme court; and in case of his absence, the senior in office of the justices of the supreme court who may be present. President.

SEC. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Former acts repealed.

SEC. 16. This act shall take effect immediately.

Approved, April 5, 1845.

A further supplement to the act entitled, "An act to incorporate the city of Newark."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The engineers and firemen of the said city of Newark shall be exempt from tax, not exceeding the sum of three dollars; and all persons who shall serve ten years, successively, as firemen, shall be exempt from further duty, as firemen, and shall be and remain thereafter exempt from serving as jurors, or in the militia in time of peace; *provided however*, that if any person serving as a fireman shall leave said city, he shall obtain from the foreman of his company, at or before the time of his leaving, a certificate of the length of time he has regularly served as a fireman in said city, and cause the same to be recorded in a book for that purpose, to be kept by the clerk of the common council of said city, which certificate, when duly recorded, or the record thereof, shall be evidence of his service as aforesaid; and the time of service, so mentioned in his said certificate, or the record thereof, upon his return at any time to the said city of Newark, and resuming the duties of a fireman of said city, shall be reckoned and computed as part of the said ten years. Firemen exempt from tax.

Proviso.

SEC. 2. When any person, being an engineer in the fire department of the city of Newark, shall not be re-elected, or shall resign his situation as such engineer, the time of his service as such engineer or fireman, or both, shall be computed and reckoned as part of his ten years of service; *provided* he shall be elected as an engineer, or admitted as a fireman, within the space of three months after such loss of re-election, Time of engineers, how computed.

or his resignation, as aforesaid; and the certificate of the chief engineer, of the time of his service as a fireman and engineer, duly obtained, and recorded by the clerk of the common council of said city within the said three months, or the record thereof, shall be evidence of the time of his aforesaid service.

Commissioners
to designate
lines of streets.

SEC. 3. Whereas, there are several roads, highways, and streets within the said city of Newark, the lines of which have not been, and cannot be certainly ascertained, by reason of the indefinite surveys and plots or maps thereof, for the better fixing upon and settling the lines and courses of said streets, roads, and highways, the common council of the said city shall and may appoint four disinterested freeholders, one from each ward in said city, as commissioners, who, together with the city surveyor for the time being, shall constitute a commission, to run, mark, lay out, and designate the lines and courses of all such streets, roads, and highways, within the said city, as are not, and have not been ascertained and clearly designated; which said commission shall have full power and authority to run, mark, lay out, and designate the lines and courses of such streets, roads, and highways within said city, and shall make a full and clear map and profile of said street, road, or highway, or such part thereof as they shall run, mark, and lay out, designating, by some notable and permanent marks or monuments, the beginnings and endings of said street, or part thereof, as aforesaid; which said map or profile, certified under the hands of said commissioners and surveyor, or a majority of them, shall be recorded in the clerk's office of the county of Essex, there to remain as a public record; and the original map or profile shall be filed in the office of the clerk of the common council of said city; which said record, or original map or profile, so filed as aforesaid, shall be full evidence of the street, road, or highway, or part thereof, as the case may be, and of its lines and courses; and the said four commissioners shall receive for their services such compensation as shall be made and granted by the said common council.

Approved, March 26, 1845.

AN ACT to prescribe and declare the mode of appointing certain officers.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All officers which, before and at the time when the present constitution of the state went into effect, were directed to be appointed by the Council and General Assembly, in joint meeting, and whose appointment is not otherwise specifically provided for by the present constitution, may be appointed by the Senate and General Assembly, in joint meeting.

Mode of appointment of certain officers.

SEC. 2. The power of appointing masters in chancery continues in the chancellor, and may be exercised by him as heretofore.

Masters in chancery.

SEC. 3. This act shall take effect immediately after it becomes a law.

Act, when to take effect.

Approved, March 26, 1845.

AN ACT to facilitate the collection of claims and demands against townships, cities, and boroughs.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Whenever a writ of execution shall be issued against the inhabitants of any township, city, or borough of this state, by any court authorized to issue the same, in case there should be no property belonging to said township, city, or borough sufficient to satisfy the same, whereon to levy, then the officer authorized to execute said process, shall serve a copy of the same on the collector of said township, city, or borough, who is hereby required to pay and satisfy the same out of the first moneys belonging to said township, city, or borough, which shall come into his hands.

Mode of collecting demands against townships.

SEC. 2. This act shall go into effect immediately.

Act, when to take effect.

Approved, March 26, 1845.

A further supplement to an act entitled, "An act to incorporate the city of Trenton," passed March seventh, eighteen hundred and thirty-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Boundaries of wards.

SEC. 1. From and after the passage of this act, the city of Trenton shall be divided into two wards, in manner following, to wit: all that part of the said city lying and being on the eastern side of a line beginning on the Assanpink creek, at the point where the centre of Warren-street intersects the same, and running thence, along the centre of Warren-street, to the Princeton turnpike; thence, along said turnpike, to the city line, shall constitute one ward of said city, to be called "the East Ward of the city of Trenton;" and all that part of the said city lying and being on the western side of the line aforesaid, shall constitute the other ward of said city, and be called "the West Ward of the city of Trenton."

Officers of wards.

SEC. 2. The same number of officers now required by law to be elected in the several wards of said city, shall be elected annually in each of the wards constituted by this act, except that there shall be two members of the common council, two school committee men, and two commissioners of appeal in cases of taxation, elected annually in each of the wards of said city created by this act.

Proceedings in case of non-payment of tax.

SEC. 3. In case any tax or assessment, which shall have been heretofore made, or may hereafter be made, under and by virtue of the act to which this is a supplement, against any person not resident in the city of Trenton, or against any house, lot, or real estate of any such person or persons, or of any corporation, shall remain unpaid for the space of sixty days after the time prescribed by law or the ordinances of the common council of said city of Trenton for the payment of the same; and also, in case it shall be made to appear to the common council, by the oath or affirmation of the constable to whom the tax warrant or execution for any tax or assessment shall have been delivered, that any person or persons or body corporate named in said tax warrant or execution, hath not sufficient visible personal property in said city of Trenton, out of which such tax or assessment can be made and levied, and that such person or persons or body corporate hath neglected, for the space of sixty days after the time prescribed by law, or the ordinances aforesaid, to pay the said tax or assessment, and that said person or persons or body corporate hath a house, lot, or real estate in the city of Trenton, in all and every

such case it shall be lawful for the common council to cause the said amount of said tax or assessment to be advertised in one or more of the public newspapers printed in said city, for the space of two months, requiring the owner or owners of such houses, lots, or real estate, respectively, to pay said tax or assessment to the treasurer of the said city; and if default be made in such payment, that such houses and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term of years at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale; and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of the said advertisement, then it shall be lawful for the said common council to cause such houses, lots, or real estate to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators, or assigns shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his term shall be complete and ended; and such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as the same was when it came into his possession.

SEC. 4. This act shall go into effect immediately after it becomes a law; and the present officers of election in the First Ward of said city of Trenton, may hold the first election in the East Ward of said city as constituted by this act; and the officers of election in the Second Ward of said city, may hold the first election in the West Ward of said city, as constituted by this act; and the first section of an act entitled, "A further supplement to the act entitled, an act to incorporate the city of Trenton," passed March seventh, eighteen hundred and thirty-seven, passed March ninth, eighteen hundred and forty-four, and all acts and parts of acts repugnant to the provisions of this act, be, and the same are hereby repealed.

Approved, March 26, 1845.

Officers of election.

AN ACT to authorize the establishment of the New Jersey State Lunatic Asylum.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Commissioners
to select site for
asylum;

SEC. 1. Daniel Haines, of Sussex, Thomas Arrowsmith, of Monmouth, John S. Condit, of Hudson, Joseph Saunders, of Gloucester, and Maurice Beesley, of Cape May, are hereby appointed and constituted commissioners for the purpose of selecting a suitable site on which may be erected the State Lunatic Asylum of New Jersey.

To purchase
land, &c.

SEC. 2. The said commissioners, or a majority of them, shall have power to purchase, at any price not exceeding ten thousand dollars, or receive by gift, a site for the location of said asylum, and so much land, under assured title, as shall be deemed necessary for farming and gardening purposes; and there shall be on the premises facilities for obtaining ample and unfailing supplies of pure soft water.

Treasurer au-
thorized to pay
purchase mo-
ney.

SEC. 3. Whenever the said commissioners shall procure a site for said asylum, and a good and sufficient title therefor shall be duly executed and delivered, the treasurer of the state is hereby directed to pay, on the warrant of the governor, to the grantor or grantors of whom the said site shall have been purchased or obtained as aforesaid, such sum or sums of money as may be required to pay for the said site, agreeably to the contract of said commissioners, not exceeding said sum of ten thousand dollars.

Commissioners
to contract for
building asy-
lum.

SEC. 4. At any time after said site shall be obtained by said commissioners, not exceeding three months, the governor shall appoint three commissioners to contract for the erection of said asylum, on such plan and terms as they shall deem just and proper, always providing that said plan shall embrace the most approved construction for such buildings, conducing to the comfort and economical management of the institution; and further providing, that said plan and terms of the said contracts shall be approved by the governor; and it shall be the duty of said commissioners, or one or more of them, to superintend the building of said asylum, with a view to the due execution of the work on the part of those with whom they shall contract for the erection thereof; and in case of the death, inability, or refusal to serve of one or more of said commissioners, the governor shall have power to fill such vacancy.

To give bond.

SEC. 5. The said last named commissioners, before entering on the duties of their office, shall give their bonds, with two or

more sufficient sureties, to be approved by the governor, jointly and severally to the state, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties required of them by this act.

SEC. 6. The treasurer of the state is hereby directed to pay to the said commissioners, on the warrant of the governor, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the building of said asylum, not exceeding twenty-five thousand dollars; the secretary of state shall audit the accounts of said commissioners.

Treasurer to pay money required for building.

SEC. 7. It shall be the duty of the commissioners to make a detailed report of all the moneys expended by them by virtue of this act, and of the progress which shall have been made in the erection of said buildings, to the governor of the state, on or before the first day of January next, and as often thereafter as the governor shall or may from time to time require.

Commissioners to make report.

SEC. 8. Each of said commissioners first mentioned in this act shall be allowed for his services, while actually employed in the duties of his appointment, the sum of three dollars per day.

Compensation to commissioners.

SEC. 9. Each of said commissioners, appointed by virtue of this act to contract for and superintend the building of the said asylum, shall be allowed for his said services, while actually employed in the duties of his office, the sum of two dollars per day.

Compensation to commissioners to superintend building.

SEC. 10. The secretary of state shall audit the accounts of the commissioners for services, and, upon his certificate, the treasurer shall pay the same.

Secretary of state to audit the accounts.

SEC. 11. This act shall take effect immediately.

Act, when to take effect.

Approved, March 26, 1845.

A supplement to the act entitled, "An act for granting letters of administration of the estates of intestates residing out of this state at the time of their decease."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Provisions of former act extended.

SEC. 1. The several provisions of the act to which this is a supplement, are hereby extended to all cases where any person died intestate previous to the passage of said act, who did not reside in this state at the time of his or her decease.

Letters of administration de bonis non in certain cases.

SEC. 2. Whenever any administrator, heretofore appointed by virtue of the act to which this is a supplement, or hereafter to be appointed by virtue of said act or of this act, has died, or shall die, or become incapable of acting before fully administering the estate of his or her intestate, it shall and may be lawful for any surrogate of any county in this state to grant letters of administration de bonis non to any person or persons, in the manner prescribed by the act to which this is a supplement for granting letters of administration to the first administrator.

SEC. 3. This act shall go into effect immediately after it becomes a law.

Approved, March 26, 1845.

AN ACT to amend an act entitled, "An act relative to insurance companies," passed December twenty-sixth, eighteen hundred and twenty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Provisions of former act extended.

SEC. 1. The act to which this is a supplement shall extend to, and embrace within its provisions, and render liable to all the penalties contained therein, or in this act, any person who now or hereafter may procure any insurances to be made for any person or persons, by such individuals, or associations of individuals, or companies, as are contemplated by said act.

Proceedings in case of neglect to make statement.

SEC. 2. Whenever the statement or account of insurances required by the third section of the act to which this is a supplement, shall not be made within the periods respectively men-

tioned therein, it shall be the duty of the collector of the county wherein such person shall act as agent in procuring, or causing to be procured insurances, to apply to such agent, within thirty days from the expiration of the period as aforesaid for delivering the same to the collector, and obtain such statement or account, which shall be rendered and verified under the oath of such agent, and by the production of the original books of such agent; and if it shall appear that no bond shall have been given, as required by the second section of the said act, the person so neglecting to give bond shall forfeit the sum of one hundred dollars, to be recovered in an action of debt, to be brought by said collector in the name of the board of chosen freeholders of said county, for the use of said county.

SEC. 3. If any person or persons shall make, or effect, or cause or procure to be made or effected, any insurance by or in behalf of any insurance company or association of individuals not incorporated under and by virtue of the laws of this state, without having first given bond in the manner prescribed by the said act to which this is a supplement, such person or persons shall forfeit and pay, for any policy or contract of insurance so made or effected, or caused or procured to be made and effected, the sum of fifty dollars, to be sued for and recovered by the said collector, in the name of the board of chosen freeholders of said county, for the use of said county. Penalty for not giving bond.

SEC. 4. This act shall not extend to such foreign mutual insurance companies, as by their charters or by-laws do not contemplate the making of dividends or a division of profits.

SEC. 5. The provisions of this act, and of the act to which this is a supplement, shall apply and be extended to insurance of lives and to every insurance connected with life risks, of whatever kind.

SEC. 6. This act shall go into effect immediately after it becomes a law. Act, when to take effect.

Approved, March 26, 1845.

AN ACT to incorporate the Newark Gas Light Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of corporators.	SEC. 1. James Keen, Isaac Baldwin, John H. Stephens, John Ogden, William Wright, Silas H. Kitchell, Jeremiah C. Garthwaite, John Morrison, Lewis A. Hall, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of
Style of incorporation.	"the Newark Gas Light Company;" and, by that name, they and their successors may have perpetual succession, and shall,
General powers.	in law, be capable of suing and being sued, in any courts and places whatsoever; and may have a common seal, with power to alter the same; and, by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in the city of Newark; and to enter into and execute contracts, agreements, or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, for the purpose of securing debts which have become due to them in the regular business of the said corporation; <i>provided</i> , that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be any way injured or defaced, without permission being first obtained, in writing, from the owner or owners thereof.
Proviso.	

Corporation authorized to lay down pipes.	SEC. 2. The said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues, or public grounds of the said city of Newark, and to do all things necessary to light the said city, and the dwellings, stores, and other places situated therein; <i>provided</i> , that the public travel of the said city shall at no time be affected or impeded by the laying of the said pipes, or the erection of the said posts, and the streets, side and cross walks, public grounds, lanes, and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.
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SEC. 3. James Keen, Isaac Baldwin, John Ogden, Silas H. Kitchell, John Morrison, Jeremiah C. Garthwaite, John H. Ste-

phens, William Wright, and Lewis A. Hall are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of the said corporation, in shares of fifty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose at such time and in such place or places within this state as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the said city of Newark, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of ten per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them, and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners, at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Commissioners
to receive sub-
scriptions.

Sec. 4. The management of the concerns of the said company shall be vested in nine directors, to be selected from the stockholders; and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after fifty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in June, eighteen hundred and forty-six; and the said directors and president shall hold their offices, from the second Monday of June in every year, for one year, and shall be elected on the

Time and mode
of election of
directors.

second Monday of June in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in the city of Newark; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 5. If at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such manner as is directed by the by-laws, at any time within one year.

Powers and duties of directors.

SEC. 6. The directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business, and have power to make by-laws, rules, and regulations, not repugnant to the constitution or laws of the United States or of this state, or the provisions of this act, for the government of the said corporation, the management and disposition of the stock and the property thereof, and the duty of the officers, clerks, and persons employed therein, the election of directors, and all other matters appertaining to their business or concerns; and may appoint as many officers, clerks, and servants, and with such salaries and allowances as shall to them seem necessary; and the said board of directors shall have power to make and declare such dividend and dividends among the stockholders, from time to time, as the net profits and earnings of the business of the said company shall enable them to do.

Stock to be personal estate.

SEC. 7. The stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works.

SEC. 8. If any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labour, not exceeding two years, or both; *provided* such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized

to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

SEC. 9. The said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders. Books of account to be kept.

SEC. 10. This shall be a public act, and shall be judicially referred to by all judges, justices, and others, without being specially pleaded. Act to be public act.

SEC. 11. This act shall continue in force for twenty years, and the legislature may at any time alter, amend, or repeal the same. Limitation.

Approved, March 27, 1845.

A supplement to the act entitled, "An act to authorize Robert Annett, of Fort Lee, in the township of Hackensack, to extend his wharves, already erected upon and in front of his lands, farther into the Hudson river, and for other purposes," passed March ninth, A. D. eighteen hundred and forty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows :

SEC. 1. It shall not be lawful for any owner, captain, or other person, having the charge or command of any steamboat, to land, unload, or discharge from such steamboat, or to receive or take into the same, any passengers, goods, wares, or merchandise, upon or from the wharves now built, erected, kept up, and maintained, or which may hereafter be built, erected, kept up, and maintained by Robert Annett, his heirs and assigns, at Fort Lee, in the township of Hackensack, by virtue of the power and authority given to him and them by the act to which this act is a supplement, after the said Robert Annett, his heirs and assigns, shall have notified such owner, captain, or other person as aforesaid, not to do so ; and if any such owner, captain, or other person as aforesaid, shall offend against the provisions of this act, he shall, for every such of- Penalty for unloading at wharf of R. Annett.

fence, forfeit and pay to the said Robert Annett, his heirs or assigns, the sum of one hundred dollars, to be recovered in an action of debt, with costs, in any court of competent jurisdiction in this state.

Act, when to
take effect.

SEC. 2. This act shall go into effect immediately after the same shall become a law.

Approved, March 27, 1845.

AN ACT to change the name of "the First Presbyterian Congregation in the township of Chatham," in the county of Morris, to that of "the Presbyterian Church of Madison."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Name of congregation changed.

SEC. 1. The name of "the First Presbyterian Congregation in the township of Chatham," is hereby changed to that of "the Presbyterian Church of Madison," by which name it shall hereafter be called and known; and the estate, real and personal, the rights, privileges, and immunities of the said corporation, shall be continued therein, in the same manner as if the name of the said corporation had not been changed.

Part of former
act repealed.

SEC. 2. The act, passed January twenty-second, eighteen hundred and eighteen, constituting "the First Presbyterian Congregation in the township of Chatham," is hereby repealed, so far as its provisions conflict with the provisions of this act.

Approved, March 27, 1845.

AN ACT to incorporate Wood's Shingle Machine Company, at Somerville.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Simeon Wood, Carmi Hart, Edward F. Loomis, Allan Clarke, Barney Sterns, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "Wood's Shingle Machine Company," for the purpose of manufacturing machines, called "Wood's patent double knife shingle machine," for sawing and splitting timber of all kinds, and for shaving shingles, at, or near, or upon the Somerville Water-power, at Somerville, in the county of Somerset, in this state; by that name they and their successors shall be, and they are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the said township, upon, at, or near the said Somerville Water-power, together with any machinery, tools, goods, or chattels, and other real and personal estate necessary, useful, and proper for carrying on the business aforesaid, and the same to use and employ, grant, demise, pledge, convey, lease, and dispose of, as they shall deem proper; and to have, exercise, and enjoy all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations or for any purpose or purposes inconsistent with the provisions of this act; and the said Simeon Wood, Carmi Hart, Edward F. Loomis, Allan Clarke, and Barney Sterns, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Names of corporators.

Style of incorporation.

Restrictions.

SEC. 2. The capital stock of the said company shall not exceed fifty thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as two hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the

Amount of capital stock.

stockholders of the said company for an election of five directors.

Time and mode
of annual elec-
tion.

SEC. 3. The stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president; and a majority of such directors and the president shall reside in the state of New Jersey; and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote on each share of the capital stock that they may severally hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the individuals above named, or any two of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of election.

Powers and du-
ties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, or regulations, at their discretion, to repeal, alter, or modify; provided, that they shall not be repugnant to the constitution or laws of this state or of the United States.

Corporation,
when to go into
operation.

SEC. 5. The said corporation shall not go into operation until ten thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of

state; and the said president and directors, or a majority of them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

SEC. 6. The president and directors, with the treasurer and clerk, if such there be, of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of amount of capital paid in to be made.

SEC. 7. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

SEC. 8. If any of the said officers shall refuse or neglect to perform the duties required of them in the sixth section, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded, as aforesaid.

Penalty for not making certificate.

SEC. 9. The directors shall at all times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Books to be open to inspection of stockholders.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until twenty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Stockholders liable for debts of company.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivors and survivor of

Company, how dissolved.

them, shall be trustees for settling all the affairs of said company, disposing of its effects, recovering, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid; *provided*, that no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all the debts and liabilities of the company are fully paid; and in case of any violation of the provisions of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election of directors to be by ballot.

SEC. 12. All elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall, at any time, neglect or refuse to call annual meetings for the elections of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors, two or more stockholders shall receive an equal number of votes, then the directors for the time being shall, by ballot, determine which of such stockholders shall be director or directors; and on the death or resignation of any of the directors, the remaining directors shall choose, from among the stockholders, some fit person or persons to fill the vacancy, who shall hold his office or their offices until the next annual election.

Corporation not to be dissolved for failure to elect on day prescribed.

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed dissolved; but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Limitation.

SEC. 14. This act shall continue in force twenty years, and the legislature may alter, modify, or repeal this act, whenever, in their opinion the public good requires it.

Approved, March 27, 1845.

A supplement to "An act incorporating the Rahway Fire Company," passed December third, eighteen hundred and twenty-three.

WHEREAS the members of the Rahway Fire Association have, by their petition, represented to the legislature, that they have raised the sum of three thousand dollars, the amount of the capital stock limited by their act of incorporation, and have expended the same agreeably to the provisions of the said act, that there is yet a deficiency in their means of protecting against loss and destruction by fire, and have prayed the legislature to pass an act authorizing the said association to assess and raise, by tax, a further sum of money, for the purpose of effecting the object of said corporation—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The said Rahway Fire Association be, and they are hereby authorized and empowered, at their next annual meeting, and at any subsequent annual meeting, to raise, by a tax, for the object of said corporation, any sum not exceeding one thousand five hundred dollars; *provided however*, that the capital stock of said corporation shall at no time exceed the value of five thousand dollars.

Corporation authorized to raise money by tax.

SEC. 2. The managers of the said incorporation shall, at the next, and at every subsequent annual meeting, make an inventory of all the property of the fire company, which inventory, at a fair cash valuation, shall be taken as the amount of capital stock paid in; the inventories shall be recorded by the secretary upon the books of the company; and the fire company are authorized to raise such sums of money, under the limitations of this act, as the necessities of the company require until their fire engines, engine houses, reservoirs, ladders, buckets, fire-hooks, and other implements and machines belonging to the association, and used for the purpose of extinguishing fires, shall amount, at a fair cash valuation, to the sum of five thousand dollars.

Inventory of property to be made.

SEC. 3. The several stores of goods, wares, and merchandise, which are or may be kept within the limits prescribed in the first section of the act to which this is a supplement, shall be liable to be assessed and taxed, to raise the said money, according to their respective value, in addition to the other property mentioned in, and liable to be assessed by the fourth section of the act to which this is a supplement; and it is hereby

Stores of goods, &c., to be assessed.

made the duty of the assessor or assessors, in addition to the duties prescribed in the fourth section of the said act, to assess such sum of money on the said several stores of goods, wares, and merchandise, as may be deemed just and equitable, in proportion to the whole sum ordered to be raised by said corporation, at their annual meeting, making all just allowances for the various dangers and hazards to which such stores of goods, wares, and merchandise may be subject.

Managers to give notice of amount to be raised.

Sec. 4. The managers of the said corporation shall give notice of the sum they may deem necessary to be raised, in the newspapers published in Rahway, at least two weeks previous to the annual meeting.

Time and mode of making assessment.

Sec. 5. The assessment hereafter ordered to be made, it shall be the duty of the assessor or assessors to make, within twenty days from the first day of April next ensuing the annual meeting; and it shall be the duty of the treasurer, and he is hereby required, on the receipt of the duplicate of said assessment, to give notice, by printed or written tickets, of the sum so assessed on each individual residing within the limits of the said association, at least five days before the meeting of the commissioners of appeal, in person or by notice left at his or her usual place of residence, or, in case of non-residence, to the tenant in possession, and also the time and place of the meeting of the commissioners of appeal; and after the commissioners of appeal shall have met and disposed of the appeals, it shall be the duty of the treasurer of the association to demand of the person or persons, bodies politic or corporate, owning or occupying property so assessed, the amount of such assessment; and in case of non-payment thereof, for sixty days, he is hereby required to give notice, by public advertisement set up within the limits of the corporation, that if the taxes be not paid to him within thirty days from the date thereof, that the names of the delinquents, with their respective taxes, will be returned to a justice of the peace for collection.

Proceedings in case of non-payment of taxes.

Sec. 6. In cases of the non-payment of the taxes at the time so as aforesaid appointed, the treasurer shall make out a list of the names of the delinquents, both individuals and corporations, with the sums respectively payable by them thereto annexed, and he shall deliver the same to some justice of the peace, those residing in the county of Essex, to any justice residing in the county of Essex, and those residing in the county of Middlesex, to any justice residing in the county of Middlesex, accompanied with his oath or affirmation, that the moneys therein mentioned have been duly demanded, or due notice of the amount given or left at the usual place of residence of each individual delinquent who could be found within the lim-

its of the corporation, and also, that he has given the public notice required in the preceding section.

Sec. 7. It shall be the duty of the said justice of the peace, within five days after the receipt of the list of the names of the delinquents, to make out and deliver to the constable or constables a warrant or warrants, requiring him or them to levy the tax so in arrears, with costs, by distress and sale of the goods and chattels of the delinquents; in case any of the buildings so assessed shall belong to non-resident proprietors, the tenants in possession shall be liable for the sum so assessed; and it is hereby made the duty of the said justice of the peace, and he is hereby authorized and required to make it the duty of the constable or constables, in his warrant or warrants, to levy the tax so in arrears by distress and sale of the goods and chattels of the tenant or tenants in possession, giving at least five days' notice of the time and place of such sale, by advertisement set up in three of the most public places within the limits of said association; and it shall be the duty of the said constable or constables to make return to the said justice, and pay over the money to him, or to the treasurer, within forty days after the date of his warrant.

Tax, how collected from delinquents.

Sec. 8. The justice who shall issue a warrant or warrants, and any constable who shall execute the same, shall be entitled to like fees and compensation as is provided for like services in the "Act concerning taxes," to be collected in the same manner; and every such constable, and his sureties, shall be liable, for neglect of duty in executing and returning any such warrant, and paying over the moneys collected, in the same manner, and to the same extent, as if execution had been issued for the amounts out of the court for the trial of small causes, upon judgment regularly and legally rendered against such delinquents, and had been directed and delivered to such constable.

Compensation to justices, &c.

Sec. 9. The owners of goods, wares, and merchandise, liable to be assessed by virtue of this act, shall also be members of this association, and shall be, as members thereof, subject to assessment for fire tax the same as other persons mentioned in the first section of the act to which this is a supplement.

Persons assessed to be members.

Sec. 10. The managers, and all other officers mentioned in the third section of the act to which this is a supplement, shall be elected; and all assessments for the purpose of raising money authorized by that act, shall be made by plurality of votes, by ballot, and not otherwise; and no person shall be entitled to vote or hold any office mentioned in the said third section, unless he is a member of said association.

Mode of election of officers.

Penalty for illegal voting.

SEC. 11. If any person shall vote at the said annual election who is not qualified as aforesaid, he shall be subject to a fine of five dollars, to be recovered before any justice of the peace of the county, and which action shall be brought in the name and for the use of said association.

Whereas it is represented, in behalf of the association, that many of the taxes already assessed remain unpaid, to their great embarrassment, and that the delinquents withhold payment upon the allegation that the corporation have no power to collect their taxes, and it appearing to be just and equitable that all who enjoy the protection of the fire department should contribute to its maintenance—therefore,

Notice to be given to delinquents.

SEC. 12. The treasurer of the association shall give public notice, by printed handbills put up within the limits of the corporation, that all taxes now due must be paid to him within a period therein to be mentioned, not less than thirty days from the date of the notice; and in default of payment, that he shall hand over a list of the persons, with their respective taxes for which they are liable, to a justice of the peace in the county where the delinquents respectively reside, who shall issue a warrant or warrants, as directed in the preceding part of this act; which shall be proceeded upon in all respects as herein before provided.

Part of former act repealed.

SEC. 13. All the provisions of the act entitled, "An act to incorporate the Rahway Fire Association," passed December third, eighteen hundred and twenty-three, coming within the purview of this act, and contradictory thereto, shall be, and the same are hereby repealed.

Act, when to take effect.

SEC. 14. This act shall go into operation immediately after it becomes a law.

Approved, March 27, 1845.

A supplement to an act entitled, "An act to prevent and punish frauds by public officers," passed March twelfth, eighteen hundred and forty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Penalty for refusal to deliver papers, &c.

SEC. 1. If any officer or agent of this state, into whose hands or possession any money, books, papers, evidences of

debt, or other instruments of writing, or other property, of whatever nature, real or personal, belonging to the state, may have come, or shall hereafter come, by virtue of his office or agency, shall refuse or neglect, on demand, to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, he shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or imprisonment at hard labour not exceeding two years, or both, at the discretion of the court before which such conviction shall be had.

SEC. 2. This act shall take effect immediately.

Act, when to
take effect.

Approved, March 27, 1845.

AN ACT to extend the charter of the State Bank at Trenton, for the purpose of enabling the directors to close up and settle its affairs.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. An act entitled, "An act to establish state banks in New Jersey," passed January twenty-eighth, one thousand eight hundred and twelve, with the supplements thereto, be, and the same is hereby extended and declared to be continued in regard to the State Bank at Trenton, so far as may be necessary to enable the president, directors, and company of the said State Bank at Trenton to collect the debts, demands, and damages which have accrued or become due, or which may hereafter accrue or become due to them, and to settle up and close their concerns; *provided*, that the time shall not exceed the term of twelve years from and after the twenty-eighth day of January, one thousand eight hundred and forty-two; *and also provided*, that the said president and directors are not hereby privileged, during the extension aforesaid, to issue any bills of credit, bank bills, or other circulation of money, by loan or otherwise, in the form or style of banking business.

Provisions of
former act ex-
tended.

Proviso.

SEC. 2. The said president and directors shall annually, after the passing of this act, until its concerns be finally closed, make out and lay before the legislature an accurate statement

Annual state-
ment to be made.

of the property, debts, and credits of the said banking company, under the oath or affirmation of the president and cashier thereof.

Act may be repealed, &c.

SEC. 3. It shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act.

Approved, March 27, 1845.

AN ACT to authorize the inhabitants of the township of Orange, in the county of Essex, and of the township of Bridgewater, in the county of Somerset, and of the township of Shrewsbury, in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, and of the township of Springfield, in the county of Essex, and of the township of Clinton, in the county of Essex, and of the township of Hamilton, in the county of Mercer, to vote by ballot at their town meetings.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Certain townships authorized to vote by ballot.

SEC. 1. The inhabitants of the township of Orange, in the county of Essex, and of the township of Bridgewater, in the county of Somerset, and of the township of Shrewsbury, in the county of Monmouth, and of the township of Monroe, in the county of Middlesex, and of the township of Springfield, in the county of Essex, and of the township of Clinton, in the county of Essex, and of the township of Hamilton, in the county of Mercer, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, viz: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, a town committee, consisting of five persons, a school committee, consisting of three persons, as many justices of the peace as the township may be constitutionally entitled to elect, and an equal number of constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the

support of the poor, for school purposes, for the repair of roads, the amount of the dog tax, and for the place of holding the next annual town meeting, and the election of state and county officers.

SEC. 2. The judge of election elected at the last, or any future town meeting, shall preside at and conduct the election at the next ensuing town meeting; and the clerk of the township shall be the clerk thereof; and the officers of said election shall be eligible to any office at said election, except that of justices of the peace.

Officers of election.

SEC. 3. The election shall open and close at the same hour in the day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk, as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Elections, how conducted.

SEC. 4. A plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings, or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of the refusal of any person elected to accept the appointment, or of a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committee shall, at their next meeting thereafter, fill such vacancy (unless they shall deem a special town meeting for that purpose advisable), determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

SEC. 5. The clerk of the township shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the township; and when the town committee fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

Clerk of township to be clerk of town committee.

Overseers of the highways, how elected.

Sec. 6. The overseers of the highways shall be elected by the voters of the several road districts, as they may be arranged from time to time by the town committee; and for the purpose of carrying this provision into effect, it shall be the duty of the town committee to give public notice, as directed in the seventh section of this act, of the time, which shall be within five days after the town meeting, and of the place, which shall be some convenient place in each district, when and where the legal voters of the township, residing in such district, shall assemble for the purpose of such election; and at which time and place, such legal voters, so assembled, having been called to order by any legal voter of the district, shall proceed, viva voce, by holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes; and being so organized, the meeting shall proceed, as in the election of the moderator, to elect an overseer of the highway for the district, being a resident in said district; the moderator of each district meeting shall immediately thereafter notify the town committee, in writing, of the election of such overseer; which committee shall thereupon, in like manner, inform the person so chosen of his appointment; in case of the failure of any district to elect an overseer, or of the person so elected to accept the appointment, the town committee shall fill such vacancy, as in other cases; in case the town committee neglect to give the notice required for the district road meetings, the town committee next elected shall call a special district meeting for the election of such overseer, at a convenient time and place; the overseers of the highways shall account to, and settle with the town committee, as now required to do by law.

Overseers of the poor to make annual report.

Sec. 7. The overseers of the poor and the school committee shall, at least ten days before the town meeting, prepare and lay before the town committee their annual reports, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and, at least five days before the town meeting, shall have copies thereof, and of the reports of the overseers of the poor, and of the school committee, and a notice of the time and places of holding the district road meetings, as required by the sixth section of this act, to be posted up in three of the most public places in the township, and an intelligible abstract thereof to be published in a newspaper circulating in said township; and in addition thereto, shall also cause a notice of the time and place of holding such district and road meeting to be posted up in some conspicuous place in such district, at least five days before the time of holding such meeting.

Reports to be filed.

Sec. 8. The reports of the town committee, the overseers of the poor, and the school committee, shall be filed and preserved

by the town committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election; and the town committee shall allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable.

SEC. 9. This act shall take effect as soon as it becomes a law. Act, when to take effect.

Approved, March 28, 1845.

A supplement to "An act authorizing the banking and improving of certain marsh, meadow, and swamp, in the township of Fairfield, in the county of Cumberland," passed the first day of February, eighteen hundred and sixteen.

WHEREAS, by the act to which this is a supplement, it was made the duty of the managers of the Cedarville Meadow Company, and they were thereby authorized and empowered to make good and sufficient banks, dams, sluices, and every other work necessary and proper to keep out the tide at all times, and prevent the marsh, meadow, and swamp therein mentioned from being overflowed; and to begin the bank at or near the Goose landing on Cedar creek, and thence across said creek to such part of the fast land, on the opposite side thereof, as to them should seem most prudent, in which said creek it was directed that there should be erected a sluice or gates sufficient to stop the tide from flowing up the said creek, and to discharge, at low tide, all the back water; and whereas sundry citizens of said township of Fairfield, by their petition, have set forth, that, in consequence of the erection of the said dam and floodgates, the creek is rapidly filling up, and will soon be rendered impassable for vessels,

Preamble.

thereby producing great loss and inconvenience to every person in the vicinity, and have prayed that the said dam may be cut—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Commissioners to cut dam. SEC. 1. The said dam may and shall be cut, and James B. Parvin, William Moore, and Benjamin Rush Bateman are appointed commissioners for that purpose, and are authorized and empowered to cut the said dam, so as to allow the flowing of the tide without obstruction; and such commissioners shall, in so doing, be exempt from all liability to the penalties or damages set forth and contained in the eleventh section of said act.

Act, when to take effect. SEC. 2. This act shall go into effect immediately after it becomes a law.

Approved, April 1, 1845.

AN ACT to incorporate the Rancocus Steamboat Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of corporators. SEC. 1. William Irick, Edward B. Thomas, Barclay Haines, David B. Coles, William Springer, Benjamin Deacon, Caleb Shreve, Charles Bispham, Allen Fenimore, Joseph Davis, and John W. Middleton, and all such persons as are now members or partners of an association called and known by the name of the Rancocus Steamboat Company, and their successors, are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Rancocus Steamboat Company;" and, by that name, may have continual succession, may make and have a common seal, and shall have power to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and may have full power, right, and legal authority to purchase, build, hold, occupy, and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate, whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as herein after declared.

Style of incorporation.

General powers.

SEC. 2. All the joint stock of the said association, and all the estate, real, personal, and mixed, all the securities, claims, and demands, all the records, books, papers, and vouchers, in any wise belonging to the said association, shall be transferred to, and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing in this section contained shall impair or affect the rights of the creditors of the said association.

Stocks, &c., of former association vested in new corporation

SEC. 3. The capital stock of said corporation shall not exceed forty thousand dollars, which shall be divided into shares of twenty-five dollars each; the capital stock of the said association is to be taken as a part of the said sum of forty thousand dollars, and the members of the said association are to receive so many shares of the said stock of the said corporation as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steamboats from Lumberton, in the county of Burlington, to the city of Philadelphia and elsewhere, and is to be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, renting, repairing, or building of suitable landings, wharves, and storehouses; and the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made and adopted.

Capital stock, how to be employed.

SEC. 4. William Irick, Edward B. Thomas, Barclay Haines, David B. Coles, William Springer, Benjamin Deacon, Caleb Shreve, Charles Bispham, Allen Fenimore, Joseph Davis, and John W. Middleton shall be the directors of the said corporation until the election is held as is herein after provided; the board of directors for the time being shall have power to elect a president (who shall be a director), a treasurer, and all such officers and agents, and to employ such workmen, artificers, and labourers, as shall be necessary to carry into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts; and the directors of said corporation shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company, as to them shall seem expedient, not inconsistent with the constitution or laws of this state or of the United States.

First directors.

Books for subscription to be opened.

Proviso.

Time and mode of election of directors.

Dividends to be declared, &c.

SEC. 5. The residue of the capital stock of said company, or any part thereof not heretofore disposed of, may be disposed of and taken at any time hereafter, whenever the directors, by direction of three-fourths of the whole number, shall deem it necessary and proper, who are authorized to open books of subscription for said stock, at such time or times, and place or places, as they, or a majority of them, shall think proper, giving at least fifteen days' notice of the time and place of their meeting; and at the time of subscription, the sum of five dollars on each share shall be paid to the directors, and the remainder of such subscriptions shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting all previous payments on such shares, for the use of said company; *provided always*, that no instalments shall exceed the sum of ten dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least fifteen days' notice of the time and place appointed for the payment of each instalment shall be published in one or more newspapers published in the county of Burlington and in the city of Philadelphia.

SEC. 6. The affairs, property, and concerns of the said corporation shall be conducted by seven directors, a majority of whom shall constitute a quorum, and at least seven shall be residents in this state, and shall be chosen annually by ballot by the stockholders, either in person or by proxy, no person to be eligible as a director who shall not be a stockholder in the said company; and in the choice of directors, and in all other cases, each share shall be entitled to one vote, up to ten shares, and above ten shares, each five additional shares shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first election for directors under this charter shall be held at Lumberton, on the first Saturday of March next, ten days' notice being first given thereof, in a newspaper published in the county of Burlington and the city of Philadelphia; and the stockholders when met, to choose three persons as judges of election; and all future elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

SEC. 7. The president shall preside at all meetings of said corporation, and if absent his place shall be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, carriages, vehicles, horses, cattle, stock

of every kind and description, and all kinds of produce or other articles that shall be transported in the boat or boats of the said company or corporation; and the said board of directors shall, from time to time, declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the sum over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

SEC. 8. If an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 9. The said corporation shall not use or employ any part of the capital stock or other funds for banking or other purposes not clearly indicated in this act.

Restriction.

SEC. 10. This act shall continue in operation twenty years, and the legislature may at any time hereafter alter, amend, or repeal this act.

Limitation.

Approved, April 1, 1845.

AN ACT modifying the charter of the Hudson and Ramapo Railroad Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. It shall be the duty of the treasurer of the Hudson and Ramapo Railroad Company to pay to the treasurer of this state, annually, a tax of one half of one per centum upon their capital stock expended, until the net earnings of the railroad shall amount, annually, to six per centum upon the costs thereof, and from and after that time a tax of one per centum; and that such payments shall be received and taken in full discharge and satisfaction of the transit duties of five cents a passenger, and eight cents a ton, provided for in the twenty-second section of their act of incorporation.

Amount of tax to be paid by company.

Cost of road to
be filed in office
of secretary of
state.

SEC. 2. As soon as the road of said company shall be completed, it shall be the duty of the said company to make out a statement, to be verified by the oath or affirmation of the president and treasurer, showing the actual amount of the capital stock expended in the construction thereof, and file the same in the office of the secretary of state; and it shall be the duty of the treasurer of said company to make to the treasurer of this state an annual statement, under oath or affirmation, at the end of each and every year from the completion of said road, during the continuance of the charter of the said company, of the amount of the net earnings of the railroad for the next preceding year.

Act may be al-
tered, &c.

SEC. 3. The legislature, at any time hereafter, may alter, modify, or repeal this act.

Approved, April 1, 1845.

AN ACT to incorporate the Somerville Mutual Fire Insurance Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of corpo-
rators.

Style of incor-
poration.

General pow-
ers.

SEC. 1. Thomas A. Hartwell, Joshua Doughty, Pethuel Mason, Eugene S. Doughty, John W. Vanarsdale, William G. Steele, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the Somerville Mutual Fire Insurance Company;" and, by that name, they and their successors shall and may have succession during the continuance of this act; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also they and their successors, by the name of the Somerville Mutual Fire Insurance Company, shall be, in law, capable of purchasing, holding, and conveying any estate, real and personal, for the uses of the said corporation; provided the said estate, which it shall be lawful for the said corporation to hold, be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be

taken as security for, or in payment of debts; nor shall the yearly income of such real estate exceed three thousand dollars.

SEC. 2. All persons who shall ensure in or with said company, shall be members of said corporation; and the property and concerns of the said corporation shall be conducted and managed by nine directors (all of whom shall be citizens of this state, and shall not hold a like office or agency in any other insurance company), to be chosen, by ballot, by and from among the members, and shall hold their office for one year and until others are chosen.

Persons ensuring to be members.

SEC. 3. An election for directors shall be held on the first Monday in April of every year, at the office of the company, or such other place as a majority of the directors may previously designate; a public notice of the election shall be given by the secretary, in one or more newspapers printed in Somerville, at least two weeks previous to the time of holding the election; and if any of the directors shall die, or refuse to serve, or neglect to act in their said office for the space of three months, successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election; *provided*, that the first election for directors shall be held on the first Monday of May next; and the directors, when elected, shall continue in office until the first Monday of April thereafter, of which said last mentioned election, previous public notice shall be given, in one or more newspapers printed in Somerville, for at least two weeks.

Time and mode of election of directors.

SEC. 4. It shall and may be lawful for the said corporation to ensure their respective dwelling-houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire.

What property may be ensured.

SEC. 5. At the annual meeting of the said corporation, or at any general meeting of the same (which general meeting may be called by any three directors), it shall be lawful for a majority of the members present to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper for the management and disposition of the property, estate, and effects of the corporation, for the regulation of the mode of effecting insurance in said corporation, and of valuation of property ensured or to be ensured thereby, and to

Powers and duties of directors.

fix rates of ensurance and fees of officers, and for such other matters as appertain to the business of the said corporation; and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers, agents, or servants, as to them shall be deemed proper, to which offices the directors shall be eligible; *provided*, that a majority of the members present at such annual or general meeting may, by resolution, vest any or all of the powers given in this section in the board of directors; *and, provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution of the United States and to the constitution and laws of this state.

Proviso.

President and treasurer, how chosen.

SEC. 6. At the first meeting of the directors, held after their election in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be chosen in his place; they shall also elect a treasurer, and require of him to give bond to the corporation for the faithful performance of his duty, for such sum as to them shall appear to be sufficient.

Assessments on members, when and how made.

SEC. 7. All policies of ensurance which shall be made by the corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if, at any time, it shall so happen that there shall be just claims on the corporation for losses sustained, or other liabilities, to a greater amount than they have funds to discharge, in such case the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the corporation, or their representatives, according to the amount of each member's ensurance, which rates or assessment shall be approved of by a majority of the whole number of directors; and notice in writing shall be given, by the secretary, to each member, or his representative, of his assessment, and the amount by him, her, or them to be paid; and each and every member, or his representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof, shall forfeit double said rates, and all their right and claim to any policy that they may have obtained, and be no longer members of the corporation, but shall be liable to a recovery of the amount of such rate or assessment, by action of debt, with costs of suit, in any court of competent jurisdiction.

Money not to be drawn from treasury, except for damages.

SEC. 8. No money shall be drawn from the treasury of the corporation, except for the purpose of paying damages in cases

of loss by fire, and for other purposes to be provided by the by-laws, rules, and regulations.

SEC. 9. If any person ensured by the said corporation shall convey or assign the property ensured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but the corporation shall not be bound by such policy, after such assignment, until the assignment shall have been recorded in the books of the corporation, and the same certified on such policy by the secretary. Policy may be transferred.

SEC. 10. Any person or persons ensured by said corporation, may maintain an action at law against the same, for losses and damages due to him, her, or them from said corporation, if payment is withheld for more than ninety days after the amount of such losses shall have been ascertained, and the said corporation notified thereof; no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witness; *provided* the directors do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them. Company may be sued in case payment is withheld.

SEC. 11. This act shall not continue in force longer than twenty years, and it shall be lawful for the legislature at any time to amend, modify, or repeal the same; *provided*, that no contract made by said corporation before such repeal, shall be affected thereby; and the said corporation shall have a reasonable time to bring their accounts to a final settlement. Act may be altered, &c.

SEC. 12. This act shall take effect immediately after it becomes a law. Act, when to take effect.

Approved, April 1, 1845.

A supplement to an act entitled, "An act to establish a new township in the county of Gloucester, to be called the township of Spicer," passed January twenty-sixth, eighteen hundred and forty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The name of the township of Spicer, in the county of Gloucester, shall be changed to Harrison, and the inhabitants of said township shall hereafter be styled and known by Corporate name of township changed.

the name of "the Inhabitants of the township of Harrison, in the county of Gloucester."

Part, of former act repealed. SEC. 2. All parts of the act to which this is a supplement, not consistent herewith, shall be, and the same are hereby repealed; and this act shall take effect immediately after it becomes a law.

Approved, April 1, 1845.

AN ACT modifying the charter of the Paterson and Ramapo Railroad Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows :

Annual tax to be paid. SEC. 1. It shall be the duty of the treasurer of the Paterson and Ramapo Railroad Company to pay to the treasurer of this state, annually a tax of one half of one per centum upon their capital stock expended, until the net earnings of the railroad shall amount, annually, to six per centum upon the cost thereof, and from and after that time a tax of one per centum; and that such payments shall be received and taken in full discharge and satisfaction of the transit duties of five cents a passenger, and eight cents a ton, provided for in the twenty-second section of their act of incorporation.

Statement of cost of road to be made. SEC. 2. As soon as the road shall be completed, it shall be the duty of the said company to make out a statement, to be verified by the oath or affirmation of the president and treasurer, showing the actual amount of the capital stock expended in the construction thereof, and file the same in the office of the secretary of state; and it shall be the duty of the treasurer of said company to make to the treasurer of this state an annual statement, under oath or affirmation, at the end of each every year from the completion of said road, and during the continuance of the charter of the said company, of the amount of the net earnings of the railroad for the next preceding year.

Act may be repealed, &c. SEC. 3. The legislature, at any time hereafter, may alter, modify, or repeal this act.

Approved, April 1, 1845.

A supplement to "An act to establish a new township in the county of Burlington, to be called the township of Coaxen," passed February twenty-eighth, eighteen hundred and forty-five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The name of the township of Coaxen, in the county of Burlington, shall be changed to Southampton, and the inhabitants of said township shall hereafter be styled and known by the name of "the Inhabitants of the township of Southampton, in the county of Burlington." Corporate name of township changed.

SEC. 2. All parts of the act to which this is a supplement, not consistent herewith, shall be, and the same are hereby repealed; and this act shall take effect immediately. Part of former act repealed.

Approved, April 1, 1845.

A further supplement to the act entitled, "An act for the government and regulation of the state prison," passed February twenty-seventh, eighteen hundred and thirty-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The bond required to be given by the keeper, in the fifth section of the act to which this is a supplement, shall hereafter be in the sum of five thousand dollars, instead of two thousand dollars, as therein prescribed. Amount of bond

SEC. 2. The inspectors shall make their report of the state of the prison, to the legislature, as required in the sixth section of the same act, on or before the third Tuesday of January, in each year, instead of the first Tuesday in November, as therein provided. Time of making annual report.

SEC. 3. The inspectors shall have power to remit the costs of prosecution of any prisoner, and any debt due from him to the state for his support in said prison, upon a recommendation from the keeper, certifying that such prisoner is, in his opinion, unable to earn more than is sufficient for his clothing Costs of prosecution may be remitted.

and maintenance, or that such prisoner has conducted himself in an orderly and proper manner.

When annual accounts may be closed.

SEC. 4. The keeper of the prison shall have his accounts ready for examination and settlement on the second Tuesday of January, in every year, and for that purpose may close his accounts for the year on the thirty-first day of December previous.

Annual statement of expenditures to be made.

SEC. 5. He shall prepare, on or before the second Tuesday of January, annually, an abstract of all expenditures and receipts of money for the prison, the amount of labour done, the raw materials purchased, the articles manufactured or prepared and sold, all the bills of transportation, and the taxed bills of costs which have been certified by him, and shall lay the same before the committee annually appointed by the legislature to settle the accounts of the state prison, and before the legislature itself, at such times as it shall direct.

Part of former act repealed.

SEC. 6. So much of the act to which this is a supplement, as is inconsistent with the provisions of this act, is hereby repealed.

Act, when to take effect.

SEC. 7. This act shall take effect immediately after it becomes a law.

Approved, April 1, 1845.

Preamble.

AN ACT to release to Betsey Cook the right and title of the state of New Jersey to certain land and premises in the township of Saddle River, in the county of Bergen.

WHEREAS Robert Cook (a coloured man), late of the county of Bergen, died intestate, possessed of a certain house and lot of ground, containing about one acre, situate in the township of Saddle River, in said county, and of some personal property; and whereas Robert S. Gould, esquire, of the said county of Bergen, hath taken out letters of administration upon the estate of said decedent, who hath exhausted all the personal property of said intestate in the payment of his debts, and there are other debts still remaining unpaid; and whereas it is represented that the said Robert Cook left

no heirs capable of inheriting the said real estate, and that the same has escheated to the state of New Jersey, under and by virtue of the laws in such case made and provided; and whereas it is also represented that the said real estate is sufficient to satisfy said debts, and leave a small surplus; and whereas the said Robert Cook has left a widow, without the necessary means of support and maintenance; and it being right that said debts should be paid out of said real estate, and the balance secured for the benefit of said widow; and whereas it is also represented that the said Robert Cook, in his lifetime, conveyed away, by deed, said house and lot, and that said conveyance was made and executed by way of mortgage, and that the said Robert S. Gould, as administrator as aforesaid, paid off and satisfied the debt for which the same had been so conveyed, and, upon such payment being made, the person to whom the said real estate had been conveyed, as aforesaid, reconveyed the same to the said Robert S. Gould, as administrator as aforesaid, in whom the legal title is now vested—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All the right, title, interest, property, claim, and demand of the state of New Jersey, of, in, and to the said house and lot of land, with the appurtenances, situate in the township of Saddle River, in the county of Bergen aforesaid, of which the said Robert Cook died seized and possessed, is granted, remised, released, and confirmed unto the said Betsey Cook, widow of the said Robert Cook, and to her heirs and assigns for ever; and said administrator is hereby authorized to execute a good and sufficient deed therefor, to the said Betsey Cook; *provided nevertheless*, that said deed shall not be executed to, nor the legal title vest in the said Betsey Cook, as aforesaid, until she shall have fully paid off and satisfied all the debts lawfully contracted by the said Robert Cook, in his lifetime, and now remaining unpaid; *and provided also*, in case the said Betsey Cook shall neglect or refuse to pay and satisfy said debts and expenses of administration within one year from the time this act becomes a law, the said administrator is authorized and empowered to sell the said land and real estate, at public vendue, after giving the notice required by law to be given in cases of sales of real estate made by order of the orphans' court for the payment of debts, and shall execute a conveyance to the purchaser therefor, and, after satisfying said debts and all necessary expenses, pay the surplus, if any remain, to the said Betsey Cook, her executors or administrators.

Right of state in certain lands released.

Act, when to
take effect.

Sec. 2. This act shall take effect immediately after it shall become a law.

Approved, April 2, 1845.

AN ACT to incorporate the Camden Water Works Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Names of corpo-
rators.

SEC. 1. Isaac Cole, Benjamin W. Cooper, Charles Kaighn, Henry Allen, William Folwell, Nathan Davis, Benjamin T. Davis, John W. Mickle, and James Elwell, and their associates, are hereby authorized and empowered to introduce into, and supply the city of Camden, in this state, with pure water, under such terms, regulations, and conditions as the city council of said city shall, by ordinance, ordain and establish; and the said Isaac Cole, Benjamin W. Cooper, Charles Kaighn, Henry Allen, William Folwell, Nathan Davis, Benjamin T. Davis, John W. Mickle, and James Elwell, and their associates, are hereby incorporated, as a body politic and corporate in law, under the name of "the Camden Water Works Company," with a capital of fifty thousand dollars; and may have a common seal, and may have, hold, occupy, and possess real estate, in the city of Camden, sufficient for erecting water works necessary to supply said city with water; and shall have full power to lay pipes for conducting the water, and erecting their water works on and through the public streets, lanes, and alleys of said city, under such regulations as the city council shall direct, as aforesaid; *provided* the consent of the owner or owners of any property to be taken for the erection of said works shall first be obtained.

Style of incor-
poration.

Subscription
books to be
opened.

SEC. 2. Subscription books to the capital stock of the said company shall be opened, within thirty days after this act shall become a law, by the said Isaac Cole, Benjamin W. Cooper, and Henry Allen, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, shall direct, giving at least two weeks' notice thereof in the newspapers printed in said city of Camden.

Capital stock to
be divided into
shares.

SEC. 3. The said capital stock of fifty thousand dollars shall be divided into shares of one hundred dollars each, and shall

be held as personal estate; five dollars shall be paid to the said commissioners, or some one of them, upon each share at the time of subscribing; and when two hundred shares shall be subscribed, the said commissioners shall call a meeting of the stockholders, at such time and place, in the city of Camden, as they, or a majority of them, shall direct, giving at least three weeks' notice of such meeting in the newspapers printed in said city of Camden; and the stockholders shall, at such meeting, choose five directors, being stockholders, to manage the affairs of said company; the said commissioners shall appoint some fit person to be judge of such election; said directors are hereby empowered to appoint a president, treasurer, secretary, and all such officers, agents, workmen, and labourers as may be necessary to carry into effect this act, and to take such bonds and security as said board of directors may deem proper; in the election of directors, each share shall have one vote; all future elections shall be held at such times, in the city of Camden, as the by-laws of said company may prescribe and establish.

Five directors
to be chosen.

SEC. 4. The said company shall not employ any part of their capital in banking operations.

SEC. 5. The legislature may at any time hereafter alter, amend, or repeal this act.

Act may be re-
pealed.

Approved, April 2, 1845.

AN ACT to authorize the sale of the school house and lot, in school district number seven, in the township of Orange, in the county of Essex, known as the Academy District.

WHEREAS Abraham Harrison, Moses B. Canfield, Nelson Lindsley, Abner Winans, Edwin White, and Philip Kingsley, the president and trustees of said school district number seven, together with sundry others, inhabitants of said township of Orange, have by their petition set forth, that Matthew Condit, on the thirtieth day of December, A. D. seventeen hundred and eighty-five, by his deed of conveyance, duly executed, did convey unto the Rev. Jedediah Chapman, Col. John Condit, and Henry Squier, a certain lot of land in the township of Orange, in said county of Essex, in this state, of the dimensions following, to wit: one chain and thirty-six links front on Main-street in Orange aforesaid, and

Preamble.

seventy-five links deep, to hold the same in trust, "to be and remain a place for an academy, which shall be for the use of a public school for all the inhabitants of Orange in general," upon which said lot a school house was erected immediately after the execution of said deed; and that after the decease of the Rev. Jedediah Chapman and Henry Squier, two of the above named trustees, Col. John Condit, the survivor, by his deed, dated November fourteenth, A. D. eighteen hundred and twenty-three, made a conveyance of the above described lot, not as surviving trustee, but as in his own right, to Stephen D. Day, Rev. Asa Hillyer, Daniel Babbit, John M. Lindsley, Daniel D. Condit, Abraham Wignans, and Samuel W. Tichenor, as trustees of said Orange Academy district, for the same use as specified in the original deed from Matthew Condit; and that it has become necessary to build a new school house in the district, the present one having been built about sixty years, and being in so dilapidated a condition as to be unfit for use, and that the lot is too small, being but eighty feet front by forty feet deep, and the building upon the line of the road in the most public part of the village, so as to have no conveniences for a yard or play-ground; and that the said trustees, by reason of the death of the original trustees, to wit: Jedediah Chapman, John Condit, and Henry Squier, without a legal perpetuation of the trust by a proper conveyance, do not possess the power to make a good and sufficient title for the said lot of land—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Trustees authorized to sell land, &c.

The trustees of school district number seven, in the township of Orange, in Essex county, known as the Academy District, for the time being, upon giving a bond to the governor of this state for the time being, in the sum of twenty-five hundred dollars, conditioned for the faithful performance of the duties required of them by this act, which bond shall be approved by the governor, and may be prosecuted at his discretion, are hereby authorized and empowered to sell at public sale, upon giving one month's notice in the public newspapers circulating in said county, all that lot of land herein before described, with the building thereon, and to execute and deliver to the purchaser or purchasers thereof, a good and sufficient deed for the same, under the hand and seal of the president of the said board of trustees, upon the payment of the purchase money, by the purchaser or purchasers, to the trustees of said district, or a majority of them, and such purchaser or purchasers shall be vested with, and entitled to all the estate, right, title, interest, and possession, of, in, and to the said lot of land and

premises, with the appurtenances, which the said Matthew Condit conveyed to the grantees named in his said deed; and the said purchaser or purchasers, his or their heirs and assigns, shall hold the same, so conveyed, free and clear from all trusts whatsoever upon which the same was held, in pursuance of the trust contained in the said deed of conveyance from Matthew Condit, as aforesaid; and the purchase money paid by the said purchaser or purchasers, as aforesaid, when received by the trustees of said district, shall be faithfully appropriated to and for the purchase of a lot, as near the centre of said district as may or conveniently can be, and the erection of a suitable school house thereon, and for no other purpose.

Purchase money, how appropriated.

Approved, April 2, 1845.

AN ACT for the relief of Rachel Felter, widow of Tunis Felter, deceased, of the county of Morris.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

The treasurer of this state for the time being shall, and he is hereby authorized and required to pay Rachel Felter, widow of Tunis Felter, deceased, of the county of Morris, a soldier in the Revolutionary war of the United States, or to her order, the sum of thirty dollars per annum, in half-yearly payments, from the passage of this act, during the lifetime of the said Rachel Felter, the first payment to be made on the passage of this act; and the receipt of the said Rachel Felter, or her order, shall be a sufficient voucher to the treasurer, for such sums of money as he may pay by virtue of this act, in the settlement of his accounts.

\$30 per annum to be paid to R. Felter.

Approved, April 2, 1845.

AN ACT to provide for revising the statute laws of this state.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Revision of public laws authorized.

SEC. 1. Peter D. Vroom, Henry W. Green, William L. Dayton, and Stacy G. Potts shall be, and they are hereby authorized to collate and revise all such public acts of the legislature of this state, which shall be in force at the close of the present session, as are general and permanent in their nature; and, in the performance of such duty, they shall carefully collect and reduce into one act the different acts and parts of acts which, from similarity of subject, ought, in their judgment, to be so arranged and consolidated, distributing the same under such titles, divisions, and sections as they shall think proper, and omitting all such acts, and parts of acts, before passed, as shall have been repealed, or have expired by their own limitation, or be repugnant to the present constitution of this state; and, in every other respect, they shall complete the said revision in such a manner as to them shall seem most useful and proper, to render the said acts more plain and easy to be understood; and they shall lay before the legislature the acts so revised and arranged by them, at the next session, to be re-enacted, if the legislature shall so determine; *provided*, that no change shall be made, by the said revisors, in the phraseology or distribution of the sections of any statute that has been the subject of judicial decision, by which the construction thereof, as established by such decision, shall or can be affected or impaired.

Proviso.

Revisors may suggest amendments, &c.

SEC. 2. When the said acts shall be so presented to the legislature for re-enactment, the said revisors shall also suggest to the legislature such contradictions, omissions, or imperfections as may appear in the acts so to be revised, and the mode in which the same may be reconciled, supplied, or amended; and may also designate such acts or parts of acts, if any, as, in their judgment ought to be repealed, with their reasons for advising such repeal; and may also recommend the passage of such new acts, or parts of acts, as, in their judgment, may appear necessary; and may also examine the several acts composing the orphans' court system, as reported to the House of Assembly of this state, in the year eighteen hundred and thirty-five, and, if they deem it advisable, recommend the passage of any or all said acts, and assign their reasons therefor.

Revisors to prepare laws for press.

SEC. 3. After the laws so revised as aforesaid shall have been submitted to, and approved of by the legislature, the said revisors shall prepare the same for the press, with such marginal notes and references as shall appear best calculated for

the public information; and shall also prepare for publication, with the said laws, the constitution of the United States of America, and the former and present constitution of this state; and that the said revisors shall make an index of the matters contained in the said work.

SEC. 4. The revisors shall be, and hereby are allowed four hundred dollars, each, for the services hereby required of them; and the legislature may by law make provision for the payment of a further compensation, if they shall be deemed entitled thereto. Compensation.

SEC. 5. The treasurer of this state shall from time to time pay, on the warrant of the governor, to the revisors, or either of them, such sums of money as shall appear to the governor to be necessary for defraying the expenses incurred or contracted for by the revisors, or either of them, in the performance of the duties assigned them in and by this act. Treasurer authorized to pay expenses, &c.

SEC. 6. In case the persons before named, or either of them, shall refuse to act in the premises, or shall die, resign, or remove from the state before the completion of the duties assigned to them, it shall be the duty of the person administering the government of this state to appoint others, or another, in their or his stead, who shall have the like powers as aforesaid, and be entitled to a compensation, which shall be proportionably equal to that which is allowed by this act to the persons before named. Vacancies, how supplied.

SEC. 7. The revisors, in the execution of their duties, shall have free access to any public records, papers, or books of this state, and be permitted to examine the same without fee or reward. Revisors to have access to public records.

SEC. 8. This act shall take effect immediately after it becomes a law. Act, when to take effect.

Approved, April 2, 1845.

A further supplement to the act entitled, "An act to incorporate societies for the promotion of learning," passed November twenty-seventh, seventeen hundred and ninety-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Corporation not to be dissolved for failure to elect on day prescribed.

SEC. 1. No association of persons, in this state, for the promotion of learning, which has heretofore or shall hereafter become a body politic and corporate in law, under the provisions of the act to which this is a supplement, shall be considered as dissolved, for or by reason of its neglecting or failing, or having neglected or failed, to elect trustees yearly and every year, on the day designated by law; and any trustees that may heretofore have been, or that may hereafter be duly elected trustees of any such association, shall continue in office until others shall be duly elected in their place, with all the rights, powers, privileges, and duties vested in and devolving upon trustees duly elected, yearly and every year, on the day designated by law.

Property to continue vested in society.

SEC. 2. Any property, whether real or personal, which any association, incorporated as aforesaid, may lawfully have acquired, by gift, alienation, devise, or otherwise, shall continue to be vested in and held by such association, in their corporate name, notwithstanding such association may have neglected or failed to elect, annually, trustees, as provided for by law, on the day when by law they ought to have been elected, as fully, to all intents and purposes, as if such association had elected trustees yearly and every year, on the day appointed by law, from the time of its incorporation, under the act to which this is a supplement.

Act, when to take effect.

SEC. 3. This act shall go into effect immediately after it shall become a law.

Approved, April 2, 1845.

**AN ACT to incorporate the Somerset Cotton Mill Company,
at Somerville.**

*BE IT ENACTED by the Senate and General Assembly of the
State of New Jersey, as follows:*

SEC. 1. John A. Parker, Francis Bloodgood, Charles A. Stetson, Frederick Frelinghuysen, and John I. Gaston, and their associates and successors, are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "the Somerset Cotton Mill Company," for the purpose of spinning yarn and manufacturing cotton goods, and generally all articles manufactured from cotton, at Somerville, upon or near the Somerville Water-power, in Somerset county, in this state; by that name they and their successors are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, in their corporate name, are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the said township, upon, at, or near the said Somerville Water-power, together with any machinery, tools, goods, or chattels, and other real and personal estate necessary, useful, and proper for carrying on the business aforesaid, and the same to use and employ, grant, demise, pledge, convey, lease, and dispose of, as they shall deem proper; and to have, exercise, and enjoy all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided*, the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said John A. Parker, Francis Bloodgood, Charles A. Stetson, Frederick Frelinghuysen, and John I. Gaston, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Names of corporators.

Style of incorporation.

Restrictions.

SEC. 2. The capital stock of the said company shall not exceed one hundred thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as five hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Amount of capital stock.

Time and mode
of annual elec-
tion.

SEC. 3. The stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president; a majority of such directors and the president shall reside in this state, and they shall hold their offices for one year, and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote on each share of the capital stock they may severally hold in said company; and in every election of directors the stockholders having the greatest number of votes shall be directors; and the individuals above named, or any two of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of election.

Powers and du-
ties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*, such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state or of the United States.

Corporation,
when to go into
operation.

SEC. 5. The said corporation shall not go into operation until twenty-five thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of state; and the said president and directors, or a majority of

them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

SEC. 6. The president and directors, with the treasurer and clerk, if such there be, of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, fixed and limited by said company, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of amount of capital paid in to be made.

SEC. 7. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

SEC. 8. If any of the said officers shall refuse or neglect to perform the duties required of them in the sixth section, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded, as aforesaid.

Penalty for neglect of duty.

SEC. 9. The directors shall at all times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Books to be open to inspection of stockholders.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until fifty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Stockholders liable for debts of company.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* the owners of at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivor

Company, how dissolved.

and survivors of them, shall be trustees for settling all the affairs of said company, disposing of its effects, recovering, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, the survivor or survivors of them, shall be trustee and trustees for the purpose aforesaid; *provided* no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all debts and liabilities of the company are fully paid; and in case of any violation of the provision of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election for directors.

SEC. 12. All elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall, at any time, neglect or refuse to call annual meetings for the elections of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors, two or more stockholders shall receive an equal number of votes, then the directors for the time being shall, by ballot, determine which of such stockholders shall be director or directors; and on the death or resignation of any of the directors, the remaining directors shall choose, from among the stockholders, some fit person or persons to fill the vacancy, who shall hold his office or their offices until the next annual election.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed dissolved; but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Limitation.

SEC. 14. This act shall not continue in force longer than twenty years, and the legislature may alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved, April 3, 1845.

AN ACT to appoint commissioners to sell the state property, known as the government lot, on Second-street, in the city of Trenton, and to repair the state house, to build two fire-proof offices, and to grade and fence the public grounds.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Samuel R. Gummere, Samuel R. Hamilton, and Stacy A. Paxson shall be, and they are hereby appointed commissioners, to make sale of the house and lot on Second-street, in the city of Trenton, conveyed to the state of New Jersey by Moore Furman, by deed bearing date March twelfth, A. D. seventeen hundred and ninety-eight, if a fair price can be obtained for the same; said sale to be made at public vendue, of which five weeks' notice shall be published, at least once in each week, in each of the newspapers printed in the city of Trenton, and in a newspaper published in each of the cities of New York and Philadelphia; and the said commissioners are hereby empowered to arrange and settle the terms of payment for the said house and lot.

Commissioners
to sell state prop-
erty.

SEC. 2. The attorney general of this state for the time being is hereby empowered and directed, upon the application of the said commissioners, to make a conveyance to the purchaser or purchasers of the house and lot aforesaid, and deliver the same to the said commissioners, to be by them delivered to the purchaser or purchasers, upon the receipt of the purchase money agreed to be paid therefor, or the securities for the same; and the said commissioners shall, without delay, deliver to the treasurer of this state the said purchase money or securities.

Attorney gen-
eral to make
deed, &c.

SEC. 3. The deed or deeds of conveyance, so to be made and executed by the attorney general, shall, when duly delivered to the purchaser or purchasers, convey to and vest in said purchaser or purchasers all the right, title, and interest of this state in and to the house and lot aforesaid.

Right and inter-
est of state vest-
ed in purchaser.

SEC. 4. The said commissioners shall cause a good and substantial roof to be put upon the state house; they shall cause the stucco work, or rough-casting, of said state house to be removed and replaced with new work, in the style of the Mercer county court house; they shall cause neat porticoes to be placed over the north and south doors of said house, and such other repairs to be made thereto, as they shall deem necessary; and they shall also have the grounds around the state house properly fenced, graded, and planted with suitable ornamental trees.

Repairs to state
house.

Offices to be erected.

SEC. 5. The said commissioners shall cause to be erected two buildings, fronting on Second-street, of forty feet front, by fifty-five feet deep, each; and each of said building shall be divided into two offices, with suitable fire-proof vaults, for the accommodation of the secretary of state, the clerk of the supreme court, the clerk of the court of chancery, and the state treasurer, and for the preservation of the records, documents, &c., pertaining to their said offices.

Commissioners to receive proposals, &c.

SEC. 6. The said commissioners are hereby authorized and directed, after due notice given, to receive proposals for making the repairs and erecting the buildings mentioned in the fourth and fifth sections of this act, by contract or otherwise, in the most economical and substantial manner; and it shall be the duty of said commissioners to superintend the building, repairs, and improvements specified in the fourth and fifth sections of this act, with a view to the due execution of the work, by those employed to perform it.

Governor to draw warrant for money, &c.

SEC. 7. The governor, or person administering the government, shall from time to time draw warrants upon the treasurer, in favour of said commissioners, for such sums of money as may be necessary to carry into effect the foregoing provisions of this act.

Commissioners to keep ac'ts, &c.

SEC. 8. The said commissioners shall cause all their accounts, in relation to the aforesaid repairs and the erections of the said buildings, to be accurately kept and stated; they shall deliver a copy of them, with their vouchers, to the treasurer of this state, to be filed in his office, and audited according to law; and they shall report to the next session of the legislature their proceedings under this act.

Compensation to commissioners.

SEC. 9. The sum of one hundred dollars, each, shall be appropriated as a compensation to the said commissioners; *provided*, that if circumstances prevent the making of the said repairs and the erection of the said buildings, the said commissioners shall receive no compensation, except for the necessary expenses of advertising, as directed in the foregoing sections of this act.

Act, when to take effect.

SEC. 10. This act shall take effect immediately after it becomes a law.

Approved, April 2, 1845.

AN ACT for the protection of oysters in the county of Atlantic.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. No person or persons, under any pretence of taking oysters, or under any other pretence whatever, shall take, remove, or carry off from any natural oyster banks or beds, within the limits or jurisdiction of the county of Atlantic, in this state, any old shells, other than such as cannot be removed or separated from the oysters, without injuring the same; and all such shells shall be culled and separated from the oysters, and thrown back again upon the said natural banks or beds; and in case any person or persons shall so take, remove, or carry off from said natural banks or beds, whether oysters be taken or not, without first so separating the old shells from the oysters, he or they shall, for every offence, forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state having cognizance of that sum, one half thereof to the use of the prosecutor, and the other to the overseer of the poor, for the use of the poor of the township in which the offence was committed; *provided however*, that nothing in this act contained shall be so construed as to prohibit any person or persons from taking, removing, or carrying any shells from beds planted out by him or them, pursuant to law or from any natural banks or beds in any creeks within the limits of said county.

Penalty for removing shells, &c.

Proviso.

Act, when to take effect.

SEC. 2. This act shall go into effect immediately.

Approved, April 3, 1845.

AN ACT to incorporate the Morris and Hanover Manufacturing Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Ashbel Bruin, Job Brookfield, Jeremiah M. DeCamp, and Moses A. Brookfield, and such other persons as may be hereafter associated with them, and their successors, are hereby constituted a body politic and corporate, in fact

Names of corporators.

Style of incorporation.
General powers.

and in name, by the name of "the Morris and Hanover Manufacturing Company," for the purpose of manufacturing iron, steel, or brass, and generally all articles manufactured from all or either of those articles, and to establish and carry on any milling and manufacturing business that they may deem expedient, in Morris county; and, by the same name, they and their successors shall be capable, in law, of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter or renew at pleasure; and they and their successors, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, and estate, real and personal, of whatever kind and quality soever, necessary or useful to carry on their manufacturing operations; and all other real estate, mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts contracted or purchased at sales upon judgments or decrees obtained for debts due, and the same to sell, mortgage, and dispose of at pleasure.

Amount of capital stock.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such a manner as the by-laws of the said corporation shall direct; and books of subscription to the capital stock of the said corporation shall be opened by the above named persons, or a majority of them, at such time or times, place or places, as they, or a majority of them, may think proper, they first giving thirty days' notice of the opening of said books, in one or more of the newspapers published in the county of Morris; and at the time of subscribing for such stock, five dollars on each share subscribed shall be paid; as soon as two hundred shares of the said capital stock shall have been subscribed and paid for, as aforesaid, the above named persons, or a majority of them, shall give notice by public advertisement, at least ten days, for a meeting of the stockholders to choose five directors, three of whom, at least, shall be citizens and residents of this state, each share of the capital stock entitling the holder thereof to one vote; and said election shall be made by such of the stockholders as attend for that purpose, either in person or by proxy; and the persons having the greatest number of votes, at all elections, being stockholders in said corporation, shall be the directors, and shall hold their offices for one year and until others are elected; and annually thereafter, the stockholders shall meet to elect directors, upon notice given as aforesaid.

SEC. 3. The directors, or a majority of them, shall be com-

petent to transact all business of the said corporation, and shall have power to call in the capital stock of said corporation by instalments, not exceeding ten dollars on each share at any one time, at such times as they may direct, giving at least two weeks' notice of the payment of each instalment, by advertisement in one of the newspapers printed in the county of Morris; and in case of the non-payment of the said instalments, or any of them, by the stockholders, all previous payments shall be forfeited; and the said directors, or a majority of them, may make such rules, by-laws, and regulations, touching the management and regulations, not repugnant to the constitution or laws of this state or of the United States, of the stock, property, estate, and effects of the said corporation, as they shall think needful and proper; and shall have power to appoint a president and such other officers as to them shall seem meet.

Instalments,
how paid.

SEC. 4. As soon as the sum of fifteen thousand dollars of the said capital stock shall be subscribed and paid, in lawful money or current bank notes, and an affidavit thereof, signed by a majority of the directors, shall be filed in the office of the secretary of state; it shall be lawful for the said company to commence their said business.

When company
to commence
business.

SEC. 5. The president and directors, with the treasurer and clerk, if such there be of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, so fixed and limited by the said company, make a certificate stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors, and they shall, within the said thirty days, record the same in the record of deeds for the county wherein this manufactory is established.

Certificate of
amount of capital
stock paid in
to be made.

SEC. 6. In case it should happen, at any time, that an election should not be made on the day that pursuant to this act it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election some future day.

Corporation not
dissolved on
failure to elect
on day prescribed.

SEC. 7. It shall not be lawful for the directors of the said company to make dividends, except from the surplus profits arising from the business of the company, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the company, or to reduce the said capital stock without the consent of the legislature; and in case of any violation of the provisions of this section, the directors under whose administration the same may have happened, except those who may have caused their dissent there-

Capital stock
not to be divid-
ed.

from to be entered at large on the minutes of the said directors at the time, or were not present when the same did happen, shall, in their individual and private capacities, jointly and severally, be liable to the said company, and to the creditors thereof, in the event of its dissolution or insolvency, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, with legal interest on the same, from the time such liability accrued; *provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of the company which shall remain, after the payment of all its debts, upon the dissolution of the company, or the expiration of its charter.

Capital stock
not to be with-
drawn.

SEC. 8. The above named persons, and such other persons as may be hereafter associated with them, and their successors, shall enjoy all the privileges and franchises incident to a corporation, for the purposes aforesaid; and shall be capable of holding their capital stock, and the increase and profits thereof, (after declaring a yearly dividend of six per centum,) in such manner and form as they shall think proper and conducive to the interest of the stockholders and of the public; *provided*, that no part of the capital stock of said company shall be divided or withdrawn during the continuance of this charter.

Limitation.

SEC. 9. This act shall not continue in force longer than twenty years, and it shall be lawful for the legislature, at any time, to alter, modify, or repeal the same.

Approved, April 3, 1845.

A further supplement to an act entitled, "An act concerning sheriffs."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Sheriffs to con-
tinue in office
until successor
is appointed.

Every sheriff hereafter duly elected and commissioned in any county in this state, shall continue in office, and exercise all the duties thereof, until his successor shall be duly commissioned according to law; *provided*, that nothing in this act shall be construed to authorize any sheriff to serve more than three years, nor to authorize any sheriff, who may be re-elected, to act under his commission of the previous year, after having made default in giving bond or taking the oath of office at the time prescribed by law.

Approved, April 3, 1845.

A further supplement to the act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," passed March third, eighteen hundred and thirty-five, and to the several supplements to said act.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The lien given by the act to which this is a supplement, and by the several supplements to said act, is hereby declared to extend to all mills and manufactories of every description, for all debts contracted by the owner or owners thereof, or by any other person, with his, her, or their consent in writing, for machinery or fixtures furnished for said mill or manufactory, or work done and materials furnished for or about the erection, construction, or repairing machinery in the same.

Provisions of former act extended.

SEC. 2. This act shall be limited in its operation to the county of Mercer.

Limitation.

Approved, April 3, 1845.

AN ACT to incorporate the Mutual Fire Insurance Company of Passaic.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Cornelius S. Van Wagoner, Robert Morrell, Henry Whitely, Cornelius G. Garrison, John Colt, Abraham Godwin, Andrew Parsons, Joseph Jackson, Charles H. May, David Roe, Samuel A. Van Saun, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the Passaic Mutual Fire Insurance Company," for the purpose of ensuring their respective dwelling-houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all

Names of incorporators.

Style of incorporation and general powers.

courts, either in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of, at pleasure, for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution; *provided* they be not contrary to the constitution or laws of this state or of the United States.

Proviso.

Persons ensuring to be members.

SEC. 2. All persons who shall ensure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be ensured in said corporation, as herein after provided, shall thereby become members thereof, during the period they shall remain ensured by the said corporation, and no longer.

Affairs of corporation to be managed by thirteen directors.

SEC. 3. All the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled, for the remainder of the year, by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and the said Cornelius S. Van Wagoner, Robert Morrell, Henry Whitely, Cornelius G. Garrison, Abraham Godwin, Andrew Parsons, Joseph Jackson, John Colt, David Roe, Charles H. May, and Samuel A. Van Saun shall be the first directors of said corporation; which board of directors shall hereafter be elected in each year, at such time and place in Paterson, in the county of Passaic, as the said corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election; which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election, by the boards of directors, and shall be made by ballot and by plurality of votes of the members, or their proxies, then present; allowing one vote for every five hundred dollars ensured in said company; *provided always*, each member shall have at least one vote, and that no member shall have more than five votes.

SEC. 4. The board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance.

Directors to appoint officers.

SEC. 5. All policies, and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Policies, how made.

SEC. 6. Every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, with good security, for such a sum of money as shall be determined by the directors to be the premium for said insurance, and a part, not exceeding twenty per centum of said note, shall be immediately paid, and the remainder of said deposit shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses accruing during said term shall have been provided for, according to the provisions of this act, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Terms of effecting insurance.

SEC. 7. When any property ensured by the said corporation shall be alienated, by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note or notes as shall remain unpaid; and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject

Policy may be surrendered when property is alienated.

courts, either in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of, at pleasure, for the benefit of said company; and also may have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution; *provided* they be not contrary to the constitution or laws of this state or of the United States.

Proviso.

Persons ensuring to be members.

SEC. 2. All persons who shall ensure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be ensured in said corporation, as herein after provided, shall thereby become members thereof, during the period they shall remain ensured by the said corporation, and no longer.

Affairs of corporation to be managed by thirteen directors.

SEC. 3. All the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of said corporation, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled, for the remainder of the year, by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and the said Cornelius S. Van Wagoner, Robert Morrell, Henry Whitely, Cornelius G. Garison, Abraham Godwin, Andrew Parsons, Joseph Jackson, John Colt, David Roe, Charles H. May, and Samuel A. Van Saun shall be the first directors of said corporation; which board of directors shall hereafter be elected in each year, at such time and place in Paterson, in the county of Passaic, as the said corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election; which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election, by the boards of directors, and shall be made by ballot and by plurality of votes of the members, or their proxies, then present, allowing one vote for every five hundred dollars ensured in said company; *provided always*, each member shall have at least one vote, and that no member shall have more than five votes.

SEC. 4. The board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance.

Directors to appoint officers.

SEC. 5. All policies, and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Policies, how made.

SEC. 6. Every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, with good security, for such a sum of money as shall be determined by the directors to be the premium for said insurance, and a part, not exceeding twenty per centum of said note, shall be immediately paid, and the remainder of said deposit shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses accruing during said term shall have been provided for, according to the provisions of this act, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Terms of effecting insurance.

SEC. 7. When any property insured by the said corporation shall be alienated, by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note or notes as shall remain unpaid; and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject

Policy may be surrendered when property is alienated.

to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

Suits may be maintained against members for deposit notes.

SEC. 8. Suits at law or in equity may be maintained by said corporation, against any of its members, for the collection of said deposit notes, or any assessment thereon, or for any cause relating to the business of said corporation; also, suits at law or in equity may be prosecuted and maintained by any member, against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Duties of directors in ascertaining loss by fire.

SEC. 9. The directors shall, after receiving due notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same, in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed to him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

Assessment made when funds are insufficient.

SEC. 10. Whenever, and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon, and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note, and assessment among the sufferers by such fire, who have been insured by said company, in proportion to their losses and the amounts by them respectively insured; but no such assessment, of a greater amount than one dollar on every hundred dollars, by the members respectively insured, shall

at any time be made for the loss or damage occasioned by any one fire; and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

SEC. 11. No transfer of any policy of insurance of the said corporation shall be valid until entered into the books of the company, and certified on such policy by the secretary.

Transfers to
be entered on
books

SEC. 12. It shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of the said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company or board, from time to time, by their by-laws may direct.

Duties of secre-
tary.

SEC. 13. The operations and business of the corporation shall be carried on and conducted at such place in Paterson, as shall be designated by a majority of the directors present at any regular meeting.

Place of busi-
ness.

SEC. 14. At every meeting of the said company, the directors for the time being shall make and exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of the said company.

Directors to
make annual
statement.

SEC. 15. The said company shall not, by virtue of any of the provisions of this act, exercise banking privileges, directly or indirectly.

Restriction.

SEC. 16. This act shall not continue in force longer than twenty years, and the same may be, at any time hereafter, amended or repealed by the legislature.

Limitation.

Approved, April 3, 1845.

AN ACT respecting the fees of county collectors.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows :

Compensation
to collectors.

SEC. 1. The county collectors of the several counties of this state shall be entitled to receive two cents, and no more, for each dollar of all taxes and other moneys which they shall receive and pay to the order of such corporation.

Board of free-
holders autho-
rized to fix fees.

SEC. 2. In case the board of chosen freeholders of any of the counties in this state are of opinion that the fees named in the foregoing section are too high, they are hereby authorized to fix the fees of the county collector, for receiving and paying county money, at a less rate ; *provided* the same be so fixed before the election of any county collector to be affected thereby.

Part of former
act repealed.

SEC. 3. The twenty-eighth section of the act entitled, "An act to incorporate the chosen freeholders in the respective counties of this state," passed the thirteenth day of February, seventeen hundred and ninety-eight, is hereby repealed.

Act, when to
take effect.

SEC. 4. This act shall take effect as soon as it becomes a law.

Approved, April 3, 1845.

A supplement to "An act prescribing certain oaths," passed the twentieth day of February, seventeen hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows :

Time of swear-
ing into office.

SEC. 1. If any justice of the peace, elected or to be elected under the present constitution, shall neglect or refuse to qualify into office for the period of two months after the date of his commission, his said election shall thenceforth be void.

Act, when to
take effect.

SEC. 2. This act shall take effect immediately.

Approved, April 4, 1845.

AN ACT to incorporate the Somerville Woollen Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. Luther R. Marsh, Luther Loomis, Allan Clarke, David Sanderson, Thomas A. Hartwell, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "the Somerville Woollen Company," for the purpose of manufacturing woollen yarn and woollen cloths, satinets, and generally all articles manufactured from wool, at Somerville, on or near the Water-power, in the county of Somerset, in this state; by that name they and their successors shall be, and they are hereby made capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors, in their corporate name, shall be, and they are hereby made capable, in law, to purchase, receive, have, hold, and enjoy any lands, tenements, water-power, and water privileges, in the said township, upon, at, or near the said Somerville Water-power, together with any machinery, tools, goods, or chattels, and other real and personal estate necessary, useful, and proper for carrying on the business aforesaid, and the same to use and employ, grant, demise, pledge, convey, lease, and dispose of, as they shall deem proper; and to have, exercise, and enjoy all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided always*, none of the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said Luther R. Marsh, Luther Loomis, Allan Clarke, David Sanderson, Thomas A. Hartwell, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Names of incorporators.

Style of incorporation.

Restrictions.

SEC. 2. The capital stock of the said company shall not exceed one hundred thousand dollars, to be subscribed in shares of fifty dollars each; and as soon as five hundred shares of the said stock shall be subscribed, the individuals above named, or any three of them, may, by public notice published in one or both of the newspapers printed in the village of Somerville, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Amount of capital stock.

Time and mode
of annual elec-
tion.

SEC. 3. The stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president; a majority of such directors and the president shall reside in this state, and they shall hold their offices for one year, and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote on each share of the capital stock that they may severally hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the individuals above named, or any two of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of election.

Powers and du-
ties of directors.

SEC. 4. A majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of votes; and they shall have power to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they also shall have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, or regulations shall, at their discretion repeal, alter, or modify; *provided* they shall not be repugnant to the constitution or laws of this state or of the United States.

Corporation,
when to go into
operation.

SEC. 5. The said corporation shall not go into operation until twenty-five thousand dollars of the capital stock shall be first paid in gold and silver coin or current bank notes, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the office of the secretary of state; and the said president and directors, or a majority of them, shall have power to call in said stock, from time to time.

in such instalments as they shall see fit to prescribe, not exceeding ten dollars on each share for any one instalment, giving thirty days' notice, as aforesaid; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares, so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

SEC. 6. The president and directors, with the treasurer and clerk, if such be, of the said company, shall, within thirty days after the payment of the last instalment of the capital stock, fixed and limited by said company, make a certificate, stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, and clerk, and a majority of the directors; and they shall, within the said thirty days, cause the same to be recorded in the record of deeds for the county wherein this manufactory is established.

Certificate of amount of capital paid in to be made.

SEC. 7. The stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

SEC. 8. If any of the said officers shall refuse or neglect to perform the duties required of them in the sixth section, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded, as aforesaid.

Penalty for neglect of duty.

SEC. 9. The directors shall at all times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Books to be open to inspection of stockholders.

SEC. 10. All the stockholders of this company shall be jointly and severally liable for all debts and contracts made by said company, until fifty thousand dollars of the capital stock shall have been paid in or satisfactorily secured.

Stockholders liable for debts of company.

SEC. 11. The said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivor and survivors of them, shall be trustees for settling all the affairs

Company, how dissolved.

of said company, disposing of its effects, recovering, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders, at such general meetings, shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, the survivor or survivors of them, shall be trustee and trustees for the purpose aforesaid; *provided* no part of the capital stock shall be withdrawn or refunded to the stockholders, at the time of its dissolution, until all debts and liabilities of the company are fully paid; and in case of any violation of the provision of this section, the president, directors, and stockholders of this corporation shall be personally liable, in their own estate, jointly and severally, for all debts previously contracted and due from said company.

Election for directors.

SEC. 12. All elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall, at any time, neglect or refuse to call annual meetings for the elections of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors, two or more stockholders shall receive an equal number of votes, then the directors for the time being shall, by ballot, determine which of such stockholders shall be director or directors; and on the death or resignation of any of the directors, the remaining directors shall choose, from among the stockholders, some fit person or persons to fill the vacancy, who shall hold his office or their offices until the next annual election.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 13. In case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed dissolved; but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Limitation.

SEC. 14. This act shall not continue in force longer than twenty years, and the legislature may alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved, April 3, 1845.

AN ACT to amend the several statutes of this state which refer to, or mention the Legislative Council.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All acts and parts of acts, passed before the adoption of the present constitution, and which still remain in force in other respects, in which the Legislative Council or the Council is spoken of, shall be, and the same are hereby modified and amended, by substituting "the Senate" for "the Council;" and such acts and parts of acts shall have the like effect as if re-enacted in the form in which the same are hereby amended.

Former acts modified.

SEC. 2. This act shall take effect immediately.

Act, when to take effect.

Approved, April 4, 1845.

AN ACT for the protection of clams in the county of Atlantic.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

It shall not be lawful for any person or persons to sell, or offer for sale, by the bushel or otherwise, in any part of the county of Atlantic, any small clams which may have been taken in the waters of the county of Atlantic, unless the said clams shall be of such a size that a bushel will not contain more than four hundred; and any person or persons shall so sell, or offer for sale, any such clams, four hundred of which will not make a bushel. in any part of the county of Atlantic, such person or persons shall, for every such offence, forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state having cognizance of that sum, one half to the overseer of the poor, for the use of the poor of the township in which the offence shall have been committed, and the other half to the person who shall sue for the same; and this act shall take effect immediately after it becomes a law.

Penalty for selling clams under certain size.

Approved, April 4, 1845.

AN ACT to regulate the election of justices of the peace in the city of Newark, and supplementary to "An act further to regulate the proceedings of the annual town and ward meetings."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Mode of election
of justices of the
peace.

SEC. 1. The election of justices of the peace in the several wards in the city of Newark, shall be under the direction of the same board of election and clerk, and shall open and close at the same hours as are prescribed in relation to the annual ward elections, by "An act to incorporate the city of Newark," passed the twenty-ninth day of February, eighteen hundred and thirty-six; anything in the eleventh section of the act to which this is a supplement to the contrary notwithstanding; and the officers of said election shall be eligible to any office to be voted for at such election, except that of justice of the peace.

Statements of
result.

SEC. 2. The statements of the result of the election for justices of the peace shall be separate and distinct from the certificates of the result of the election as to the other officers voted for at such ward election.

Act, when to
take effect.

SEC. 3. This act shall go into effect immediately.

Approved, April 4, 1845.

AN ACT to regulate the state library.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Election of li-
brarian.

SEC. 1. There shall be elected triennially, by the Senate and General Assembly, in joint meeting, a state librarian, who shall hold his office for the term of three years and until a successor is chosen and qualified to serve; and said librarian shall take an oath for the faithful discharge of the duties of his office, which shall be filed in the office of the secretary of state; the first appointment by virtue of this act shall be made at the expiration of the term of the present librarian.

SEC. 2. The library shall be kept open, in the state house, at all times during the session of the legislature, and of the courts of this state, which sit at Trenton (Sundays excepted), in each day, from nine o'clock in the morning until six o'clock in the evening, and shall be for the use of the members of the legislature, the secretary and clerks of the respective houses, the officers of the executive department of the state government, judges of the district and circuit courts of the United States, district attorney, chancellor, judges of the supreme court, and of the court of errors and appeals of this state, adjutant and quartermaster generals, attorneys of the supreme court, and all other persons who have been, or may be at any time entitled by law to the use of books from such library, when any of them shall be at the seat of government.

Library, when to be opened, &c.

SEC. 3. It is further made the duty of the librarian, with the advice and consent of the governor, treasurer, and secretary of state, or any two of them, to prescribe, from time to time, such rules and regulations for the government of the library as they shall think proper, and a copy of such rules shall at all times be set up in a conspicuous place in the library for inspection; and all fines and forfeitures, accruing under and by virtue of such by-laws, shall be recoverable by action of debt, to be brought by the treasurer, before any court having jurisdiction of the amount, in the name of the state of New Jersey, for the use of the state library; and in all such trials, the librarian shall be a competent witness, and his entries, to be made as herein after directed, shall be prima facie evidence of the delivery of the book or books, and the date of such delivery.

Fines, &c., how collected.

SEC. 4. The librarian shall arrange the books in proper order, and preserve them from being injured by moths, moulding, or otherwise, as far as practicable; he shall keep proper books, in which he shall make an entry of all books taken out, designating the name of the person taking the same, and also of the books returned; he shall also keep an accurate catalogue of books belonging to the library, alphabetically arranged, and shall, in the month of January, annually, report to the legislature a full and complete statement of the condition of the library, naming the books lost and destroyed, if any there be, and the cost of such works, and the name or names of the individuals to whom they were charged, together with the fines assessed and collected under the rules and regulations to be prescribed as aforesaid; he shall also keep an account of the manner in which moneys appropriated for the improvement of the library shall be expended.

Catalogue of books to be made.

SEC. 5. There shall be expended, annually, under the direction of the governor, secretary of state, and treasurer, or any two of them, the sum of two hundred and fifty dollars, for the

Amount of money to be annually expended.

increase of the state library; out of this fund they shall procure the binding of one copy of each volume of the laws and reports of other states and territories, sent to this state, and also of ten copies of the laws and joint resolutions passed at each session of the legislature, ten copies of each of the journals of the Senate and General Assembly, five copies of the chancery reports, five copies of the supreme court reports, one copy of the bills of each house, and such other books as may require binding or rebinding.

Librarian to have charge of certain legislative papers.

SEC. 6. It shall be the duty of the secretary of the Senate and clerk of the General Assembly to deliver to the librarian, immediately after the final action of both houses, each and every bill and joint resolution lost upon its final passage; and at the close of each session, they shall also deliver to the librarian all bills laid on the table and unacted upon, together with those indefinitely postponed, or postponed to the next sitting of the legislature.

Compensation of librarian.

SEC. 7. The librarian shall be allowed for his services the sum of two dollars for any day he shall be employed during the session of the legislature and the sitting of the above mentioned courts (while in session as held in the state house), and for all other duties he shall receive one dollar for each and every day necessarily employed; his account shall be audited by the secretary of state, and paid out of the treasury, upon warrants drawn by the president of the Senate or governor of this state for the time being.

Committee to examine condition of library.

SEC. 8. There shall be appointed, annually, a joint committee of the legislature, whose duty it shall be to examine into the condition of the library, order any repairs that may be necessary, and recommend additions and improvements to the same, by exchange, purchase, or otherwise; they shall also report to the legislature the manner in which the money appropriated for the enlargement of the library has been expended, and whatever else they think proper to make the same useful.

Act, when to take effect.

SEC. 9. This act shall go into effect immediately.

Approved, April 4, 1845.

AN ACT to incorporate the city of New Brunswick.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The limits and boundaries of the said city of New Brunswick shall, from henceforth and in all time to come, be as follows, that is to say: beginning on the Raritan river, where Lawrence's brook empties into the same; thence running up said brook, following the several courses thereof, to the mouth of Cornell's brook, and where the said Cornell's brook falls into the said Lawrence's brook; thence running up Cornell's brook, following the several courses thereof, to George's road; thence on a straight line to the most westerly corner of a plantation formerly of Hermanus Cortleyou, now of John T. Hagerman, on the Franklin and Georgetown turnpike road; thence eastwardly along said turnpike road, on the north side thereof, to a brook known by the name of the Mile run; thence down said brook, as it runs, to the Raritan river; thence crossing the same on a straight line, continuing the last course of the Mile run, to high water mark, on the north side of the said river; thence down said river, on the north side thereof, by high water mark aforesaid, the several courses of the same, to a point opposite to the mouth of said Lawrence's brook; thence crossing the said river on a straight line to the place of beginning.

Boundaries of city.

SEC. 2. There shall henceforth be in the said city a mayor, who shall be keeper of the common seal; a recorder, who, besides the office of recorder, shall, in case of the absence, death, or disability of the mayor, have, hold, use, and execute the several duties annexed to the mayoralty, and every of them, during such absence or disability; three aldermen, six common councilmen, and one town clerk; which mayor, recorder, aldermen, and common councilmen shall be one body politic and corporate, in deed, fact, and name, by the name, style, and title of "the Mayor, Recorder, Aldermen, and Common Councilmen of the city of New Brunswick;" and, by that name, they and their successors for ever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and they and their successors may have a common seal, and use the same at their pleasure, and also, by their corporate name aforesaid, shall be in law capable of purchasing and holding and conveying any estate, real or personal, for the public use of the

City officers incorporated.

Style of incorporation and powers.

said corporation; a majority of the said mayor, recorder, aldermen, and common councilmen shall constitute a common council; and, in the absence of the said mayor and recorder, the said common council may elect or appoint a presiding officer pro tempore, who, during the time he presides, shall be fully vested with the power and authority of the mayor, for the transaction of all the business of such meeting; *provided always*, no by-laws nor ordinances of the said common council shall pass without the concurrence of at least six votes.

Time and mode
of election of
officers.

SEC. 3. It shall and may be lawful for such of the inhabitants of said city of New Brunswick, as are by law qualified to vote for representatives in the General Assembly of this state, to assemble at the city hall, in the said city, on the second Monday in May next, and on the second Monday in May yearly and every year thereafter, and there and then, by ballot and by a plurality of votes, to elect a mayor, recorder, three aldermen, and six common councilmen, a town clerk and city marshal, to hold their respective offices for one year and until their successors are elected and sworn into office; the time of opening and closing the poll at said election, and the mode and manner of conducting the same, shall be prescribed by an ordinance of common council; *provided*, that the poll shall be opened as soon as twelve o'clock at noon, and not closed before seven o'clock in the afternoon.

Vacancy, how
supplied.

SEC. 4. In case of a vacancy in either of the offices of mayor, recorder, aldermen, or common councilmen, the common council may, at their discretion, order a new election to fill such vacancy, at such time and place as they may see proper, giving at least ten days' notice thereof; which election shall be conducted in the same manner as the regular election; and in case of a vacancy in either of the offices of town clerk or city marshal, the common council shall and may appoint a town clerk or city marshal pro tempore.

Officers to take
oath.

SEC. 5. The aforesaid officers shall, before entering upon the duties of their respective offices, and within thirty days after their election, take and subscribe an oath or affirmation for the faithful discharge and execution of the duties of their respective offices, or in default thereof, his or their election, as the case may be, shall be deemed void and of none effect, and a new election may be ordered by the mayor for the time being to supply such vacancy or vacancies; the said oath or affirmation, or any oath or affirmation required under this act, may be administered by any officer authorized to administer an oath by the laws of this state; and besides the oath required of the city marshal, he shall, before he enters upon the duties of his office, and within the said thirty days after his election, enter into a bond to the mayor, recorder, aldermen, and com-

Marshal to give
bond.

mon councilmen of the city of New Brunswick, with one or more sureties, to be approved of by the said common council, in such sum as they may direct, conditioned for the true and faithful performance of all the duties of his said office of said city marshal; and if he neglect or refuse to enter into said bond within the said period of thirty days, then his said election shall be deemed void and of none effect, and a new election shall be ordered and held, to supply the vacancy, in the same manner as is prescribed in the case of the other officers before mentioned.

SEC. 6. The said common council shall and may pass, seal with the common seal, and publish such by-laws and ordinances, not repugnant to the laws of this state or of the United States, as they may consider calculated to promote the welfare, good government, health, and prosperity of the said city of New Brunswick, and the inhabitants thereof, and the same to put into execution, revoke, alter, amend, and make anew, as to them, in their discretion, may appear necessary and proper, which by-laws and ordinances shall be published in one or more of the public newspapers of the said city, within twenty days after the passage thereof, for the general information of the said inhabitants.

Common council to make by-laws, &c.

SEC. 7. The said common council shall and may make and appoint a city treasurer, clerk of the market, assessor, collector, and such other subordinate officers as to them may seem proper and necessary for the good government and welfare of the said city; all the officers of the said corporation, except those elected by the people, shall hold their offices during the pleasure of common council, and shall give such security for the faithful performance of the duties thereof, to the mayor, recorder, aldermen, and common councilmen of the city of New Brunswick, as they may order and direct.

To appoint certain officers.

SEC. 8. It shall and may be lawful for the common council of the said city, to make and establish ordinances and regulations for the levelling, grading, regulating, paving, flagging, or graveling of the streets and side-walks of the said city; to require the work to be done by the owners or occupants of lots fronting or adjoining such streets, and to be superintended by the city paver, who, under the direction of common council, shall prescribe the manner in which such work shall be done; if the owner or legal representative or guardian of the owner of any lot in front whereof the street or walk shall, by such ordinance or regulation, be directed to be levelled, paved, graded, regulated, flagged, or gravelled, shall neglect to comply with such ordinance or regulation, within two months after the passage and publication of the same, it shall be lawful for the common council to cause the work to be done, agree-

Authorized to pave side-walks

ably to the ordinance, for such person so neglecting, and to cause a particular statement and account of the expenses of the said work to be rendered to them, and recorded in their minutes and properly filed; if the said account be approved and allowed by common council, or if any amount be allowed by them for the performance of said work, they shall cause an advertisement to be inserted in the public papers printed in New Brunswick, for one month, stating the amount allowed and approved of for the performance of the work, and requiring the owner or legal representative, or guardian of the owner, as the case may be, to pay the same to the treasurer of the said city at a certain time and place, and also appointing a certain time and place where such lot will be sold at public auction, if default be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of paying the amount due as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot or lots, or the legal representative of such owner or owners, shall neglect to pay the amount due as aforesaid, with the costs and charges thereof, and the costs of the advertisement, it shall be lawful for the said common council to cause the said lots to be sold at public auction for a term of years, at the time, for the purpose, and in the manner expressed in the advertisement, and to give a declaration of such sale to the purchaser or purchasers thereof, his or their executors, administrators, or assigns; and he or they shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners, and all claiming under him or them, until his time therein shall be complete and ended, and be at liberty to remove all the buildings and materials which he or they may erect or place thereon; *provided nevertheless*, that in case the owner or owners, or the representative or guardian of such owner or owners, be a non-resident or non-residents of the counties of Middlesex and Somerset, he or they shall have due written notice of the passage or enactment of the ordinance requiring said work to be done, which said written notice shall be served personally, or sent by mail, directed to the said person or persons, within thirty days after the passage of such ordinance; and proof of having put the said written notice in the post office at New Brunswick, directed to such person or persons, at his or their most usual place of abode, shall be deemed and taken as full proof of the service of such notice; and in case of neglect as aforesaid, and the performance of the work by common council, the said common council may, instead of the remedy aforesaid, sue for and recover the amount paid by them for the work aforesaid, from the owner or owners of such lot or lots, or his or their legal representative, with inter-

est and costs, in any court in this state having cognizance thereof, in an action on the case, for so much money by them paid, laid out, and expended, to and for the use of such owner or owners, or his or their legal representative; and in any such action, the proof of the amount paid by the common council shall be conclusive evidence, for the plaintiffs, of the amount due.

SEC. 9. It shall and may be lawful for the tenant of any lot, or house and lot, within the said city, upon the neglect or refusal of the owner or owners thereof, to cause the side-walks, or the said street in front thereof, to be levelled, paved, graded, flagged, or gravelled, in obedience to an ordinance or regulation, and to deduct the charges and expenses thereof out of his rent; *provided* nothing in this act shall affect any contract or agreement made, or to be made, between landlord and tenant, respecting such charges and expenses.

Tenant may have side-walks paved, &c.

SEC. 10. It shall and may be lawful for the inhabitants of the said city of New Brunswick, who are entitled to vote at their annual town meeting, to vote such a sum or sums of money, as they may think necessary to be raised for the ensuing year, for the expenses of the said city; which sum or sums shall be assessed upon the inhabitants of said city by the assessor, agreeably to the laws and regulations to be made by the common council of the said city for that purpose, and collected by the collector, at such time, and be paid and disposed of in such manner, as the common council shall direct; and if no sum, or an insufficient sum, shall then be voted to be raised, and the interest of the city require it, the common council are hereby authorized to call a meeting of the said inhabitants so entitled to vote, by advertisement or otherwise, giving at least ten days' notice, and to propose to them the sum, in their opinion, necessary to be raised; and whatever sum the said inhabitants shall, by plurality of voices, vote to be raised, shall be assessed and collected, paid and disposed of, in manner aforesaid; *provided*, that every person in said city who may think him or herself aggrieved by any fine, penalty, or assessment, imposed on them in virtue of this act, may appeal to the common council, who are hereby required to hear his or her cause of complaint, and to do therein what to them may appear just and equitable.

City expenser, how assessed and collected.

Proviso.

SEC. 11. The mayor, recorder, aldermen, and common councilmen of the city of New Brunswick shall and may make, limit, and impose and tax reasonable fines and amercements against all, and upon persons who shall offend against the laws, ordinances, and regulations of the said common council; and the said mayor, recorder, or either of the said aldermen, is hereby constituted a court of record to take cogni-

Corporation may impose fines, &c.

zance of all offences against such by-laws and ordinances, and punish all offenders against the same, by fine, not exceeding fifty dollars, and imprisonment in the jail of the county of Middlesex, not exceeding six days, together with the costs of conviction; and it shall and may be lawful for the said mayor, recorder, or either of the said aldermen, upon complaint, made on oath, of an offence committed against the said by-laws and ordinances, to issue his warrant to the marshal, or other proper officer, commanding him, in case such offender or offenders be sentenced to imprisonment, to convey him to the jail of the said county of Middlesex, there to remain until the term of imprisonment shall have expired, and from thence until the costs of prosecution shall be paid; and in case the offender or offenders shall be adjudged to pay a fine, then it shall and may be lawful for the said mayor, recorder, or either of the said aldermen, before whom such conviction may be had, to issue an execution to said marshal, or other proper officer, commanding him to levy and make such fine and costs of the goods and chattels of the offender or offenders, and for want of goods and chattels, to take and convey such offender or offenders to said jail, there to remain until such fine and costs shall be paid, and the said marshal is hereby required to execute the process aforesaid; *provided always*, that any person convicted of a breach of any by-law or ordinance, may appeal to the common council, upon such terms and conditions as said common council may by ordinance impose, but such appeal shall be brought within thirty days after conviction.

Actions, how
brought and
prosecuted.

SEC. 12. All actions to be brought for the recovery of any penalty or penalties created or imposed by any by-law or ordinance made and passed, or that hereafter may be made and passed by the said common council, may be brought and prosecuted in the name of "the treasurer of the city of New Brunswick," without specifying the individual name of the treasurer of the said city for the time being; and the books of records of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage of all ordinances and by-laws recorded therein; and the publication, by authority of common council, of their ordinances and by-laws in a volume or pamphlet form, shall, in like manner, be taken and received in evidence of the due passage thereof; and the publication of the said ordinances and by-laws in one or more of the public newspapers of the said city, according to law, shall in all cases be presumed to have been done, until the contrary shall be proved.

Inhabitants not
incompetent
witnesses.

SEC. 13. Upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the said common council are a party, or in which they are inter-

ested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said city; and if any person be sued or impleaded by reason of anything done by virtue of this act, such person may plead the general issue, and give this act and the special matter in evidence at the trial.

SEC. 14. There shall be three justices of the peace for the said city, who shall be elected at the time and in the manner herein provided for the election of the members of common council, who shall be commissioned in the same manner and for the same term of office, from and after the day of their election, as justices of the peace throughout this state are or shall be commissioned, and who shall have the like power and jurisdiction within the bounds of the said city as the said justices shall have in their respective counties, and be amenable in like manner; the courts held by such justices shall be courts of record; and the said justices of the peace shall have full power to keep, and cause to be kept, all laws or ordinances made or to be made for the conservation of the peace, and for the good government of the citizens and inhabitants of this state, within the said city of New Brunswick, according to the force, form, and effect of the same laws or ordinances, and to cause to come before them, or any of them, all persons who, within said city, shall break the peace, or have used or shall use threats to any of the citizens or inhabitants of this state, concerning his or her body, or the firing his or her house or other building, or who are not of good fame when they are fined, to enter into recognizance with sufficient surety for the peace, or their good behaviour towards the people and inhabitants of this state; and if they enter not into such recognizance, then to cause them to be safely kept in prison until they do the same, and further to do, perform, and execute all such matters, acts, and things as by law appertain to their offices respectively, and are or shall be enjoined upon them and committed to their charge and execution; and all recognizances taken before any of the said justices by virtue of this act, may be sent to the court of general quarter-sessions of the county of Middlesex or Somerset, as the case may be, according to the territorial jurisdiction of the said respective courts, to the end that the said recognizance may be prosecuted to judgment and execution, if need be.

Justices of the peace, their powers and duties.

SEC. 15. The marshal and assistant marshals of the city of New Brunswick shall be ministerial officers, and shall and may execute all process of the said courts according to law.

Marshal and assistants.

SEC. 16. The common council shall have the sole and exclusive power of licensing all and every innkeeper and tavern-keeper residing within the bounds of the said city, subject to

Common council to license innkeepers.

the same provisions, restrictions, and regulations, and in like manner, as the said licenses now are or may at any time hereafter be granted by the laws of this state.

Former acts repealed. **Proviso.** SEC. 17. The act entitled, "An act to alter and amend the charter of the city of New Brunswick," passed the seventh day of March, eighteen hundred and forty-four, and every other act heretofore passed incorporating the said city of New Brunswick, and supplementary thereto, be, and the same are hereby repealed; *provided*, that this repealing clause shall in no wise be considered to repeal any ordinance, by-law, or regulation, or any other legal act heretofore passed, made, or done by the common council, and not repugnant to this act; but all such by-laws and ordinances shall be and remain in full force until revoked, altered, or amended by the common council, and may be executed and carried into full force and operation, or to affect the right, title, and interest of the said city to or in any property, claim, or demand, had and held under and by virtue of the act or acts herein repealed, but that the same shall be in the same manner vested in and held by the said city, under and by virtue of this present act of incorporation; and that the present mayor, recorder, aldermen, and common councilmen, with the officers by them appointed, together with the marshal, shall continue in and hold their respective offices according to the tenure of their appointments.

Act may be repealed. SEC. 18. It shall and may be lawful for the legislature, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good shall require it.

Act, when to take effect. SEC. 19. This act shall take effect immediately after it becomes a law, and shall be deemed and taken to be a public act, and, as such, be taken notice of by all courts of justice within this state.

Approved, April 4, 1845.

A supplement to the act entitled, "An act to enable the owners and possessors of flowed lands on the Passaic river, and its branches, between the mill-dam at Chatham and Horse-neck bridge, in the counties of Essex and Morris, and also certain owners and possessors of lands lying in the Long meadows, in the township of Caldwell, in the county of Essex, to dig a canal or ditch from the said mill-dam at Pine brook, in a direct course, to intersect the river again near the Deepavaal bridge, to drain said lands, by diverting a part of the waters of said river from their present channel."

WHEREAS a doubt has arisen whether it be not the duty of the managers, appointed under and by virtue of the first section of the act to which this is a supplement, to proceed to perform the duties devolved upon them by said act, without reference to the wishes of the owners and possessors of said lands, hereafter to be expressed—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

The said managers, so elected as aforesaid, be hereafter, and at all times, subject to the order and control of a plurality of the owners and possessors of said lands; the said owners and possessors voting, in all respects in regard to such future order and control, in the manner specified in the first section of the act to which this is a supplement.

Managers to be subject to control of owners.

Approved, April 4, 1845.

AN ACT to authorize the inhabitants of the several townships in the county of Morris, to vote by ballot at their town meetings.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. The inhabitants of the several townships of the county of Morris, that do not now vote by ballot, who are or shall be entitled to vote at town meetings to be hereafter held,

Townships not voting by ballot authorized to vote for certain officers.

shall, at the same time that they vote for justices of the peace, and on the same ballot, and not otherwise, vote for one clerk, one assessor, one collector, three commissioners of appeal, two chosen freeholders, two surveyors of the highways, one overseer of the poor, as many constables as they elect justices of the peace, a school committee, to consist of three persons, one judge of election, and a township committee, to consist of five persons.

To decide on
mode of elec-
tion.

SEC. 2. It shall be lawful for each and every township, at their annual town meeting, to decide whether they will elect township officers, overseers of the highways, and pound-keepers by ballot or viva voce, which shall be entered on the minutes of the town meeting, and shall not be changed the ensuing year.

Act, when to
take effect.

SEC. 3. This act shall go into effect immediately.

Approved, April 4, 1845.

AN ACT to provide for the support of the government of this state, and to fix the salaries of public officers.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Salaries of cer-
tain officers.

SEC. 1. The several herein after named public officers of this state, for the time being, shall, respectively, be entitled to receive the annual salaries herein after mentioned, that is to say:

The governor of this state, at the rate of sixteen hundred dollars by the year.

The chancellor, at the rate of eighteen hundred dollars by the year.

The chief justice of the supreme court, at the rate of fifteen hundred dollars by the year.

Each of the associate justices of the supreme court, at the rate of fourteen hundred dollars by the year.

The treasurer, at the rate of one thousand dollars by the year.

The law reporter and chancery reporter, at the rate of two hundred dollars, each, by the year.

The attorney general, at the rate of eighty dollars by the year.

The quartermaster general, at the rate of one hundred dollars by the year.

The adjutant general, at the rate of one hundred dollars by the year.

All of which salaries shall be paid, quarterly, to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or president of the Senate, for the salaries of the said officers, other than the governor, and signed by the president of the Senate, or the speaker of the House of Assembly, for the salary of the governor; and the salary of the treasurer may be retained by him, in quarterly payments, on such warrants of the governor or president of the Senate; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal.

Salaries, how paid.

SEC. 2. The said salaries shall commence as follows, that is to say:

For the governor, on and from the third Tuesday of January next ensuing his election by the people.

Time of commencement of salaries.

For the other officers herein before mentioned, from the dates of their respective commissions; but the salaries of such of the said officers as were appointed previous to the adoption of the present constitution, shall commence from the time of the falling due of the last quarterly or yearly payment due to such officers, respectively, under the "Act for the support of the government of this state," passed the eighth day of November, eighteen hundred and forty-three.

SEC. 3. The president of the Senate and the speaker of the House of Assembly shall, each, be entitled to receive the sum of four dollars, and each member of the Senate and Assembly shall be entitled to receive three dollars, for each of the first forty days, from the commencement of the session, they have attended, or shall attend, the sitting of their respective houses; and the president of the Senate and the speaker of the House of Assembly shall, each, be entitled to receive two dollars, and each member of the Senate and Assembly shall be entitled to receive one dollar and fifty cents, for every day of such attendance for the remainder of such session, after the first forty days; they shall also be allowed, once in each sitting, the sum of one dollar for every ten miles they have travelled, or shall travel, in going to and returning from their place of meeting, by the most usual route.

Pay of members of legislature.

SEC. 4. When the legislature shall be convened in extra session by the governor, the president of the Senate, the speaker of the House of Assembly, and each member of the Senate

Extra session.

and Assembly, shall be entitled to receive, for every day of their attendance at such session, the sums allowed to them, respectively, by the preceding section, for the first forty days of the ordinary session, and also such mileage as aforesaid.

Members of legislature, how paid.

SEC. 5. The sum due to each member of the Senate and General Assembly, as aforesaid, shall be paid to him by the treasurer, upon a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president of the Senate for the members of the Senate, and by the speaker of the House of Assembly, or by any two members named by him, for the members of the Assembly; when the session for which such sums shall become due shall be an extra session, called by the governor, the same shall be set forth in such certificate.

Pay of secretary of Senate and clerk of House of Assembly.

SEC. 6. There shall be allowed to the secretary of the Senate and to the clerk of the House of Assembly the sum of three dollars and fifty cents, each, for every day they shall attend the sitting of such house, whether convened in ordinary or extra session; and the sum of eight cents, by the sheet of one hundred words, for entering the minutes of the Senate and the General Assembly, respectively, and of the joint meeting, in the respective journals, and eight cents, by the sheet, for the respective copies thereof, for the printers; the amount due to them, respectively, shall be paid by the treasurer, on a certificate, produced to him, expressing the sum due, the number of days, and the number of sheets in the journal, signed by the president of the Senate, for the secretary of the Senate, and by the speaker of the House of Assembly, for the clerk of the House of Assembly.

Pay of sergeant-at-arms and doorkeeper.

SEC. 7. There shall be allowed to the sergeant-at-arms of the Senate, or to any person or persons acting in that capacity, and to the doorkeeper of the House of Assembly, for the time being, the sum of two dollars for each day's attendance on the sitting of the respective houses; and the like sum to the sergeant-at-arms of the House of Assembly, or any person or persons acting in that capacity, whenever any person or persons, other than the doorkeeper, are appointed by said house to act in that capacity; and the sergeant-at-arms of the Senate and the doorkeeper of the House of Assembly shall be allowed seventy-five cents a day, each, for the compensation of an assistant, to be employed by them; which sums shall be paid to such officers, respectively, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days of attendance, signed by the president of the Senate and the speaker of the House of Assembly, respectively.

SEC. 8. There shall be paid to the engrossing clerk or clerks.

of the Senate and the General Assembly, who shall engross the bills of said houses, respectively, at the rate of eight cents by the sheet of one hundred words, on a certificate, to be produced to the treasurer, expressing the number of sheets and the amount, signed by the president of the Senate and the speaker of the General Assembly, respectively.

Engrossing clerk.

SEC. 9. The restriction of the pay of members of the legislature, after the first forty days of the session, contained in the third section of this act, does not apply to the present legislature.

Restriction of pay, not to apply to present legislature.

SEC. 10. This act shall go into effect immediately after it becomes a law.

Act, when to take effect.

Approved, April 4, 1845.

A supplement to the act entitled, "An act to provide for the support of the government of this state, and to fix the salaries of public officers."

WHEREAS an act has passed the legislature, authorizing the sale of the government house and lot, for which the governor has heretofore received a yearly rent of two hundred dollars, as one of the perquisites of his office—therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. If the said house and lot should be sold, pursuant to said law, then the governor shall be entitled to receive, in lieu of said rent, from the treasurer of the state, the sum of two hundred dollars, yearly, in addition to the salary otherwise provided, and payable at the same time and in the same manner.

Additional salary of governor.

SEC. 2. The secretary of state shall be entitled to receive the sum of two hundred dollars, annually, for the performance of the duties of auditor of accounts, as provided by the constitution, and the salary of the auditor of accounts shall commence and take effect on and after the fourteenth day of January last.

Compensation of auditor of accounts.

SEC. 3. This act shall take effect immediately after it becomes a law.

Act, when to take effect.

Approved, April 4, 1845.

A supplement to an act entitled, "An act ascertaining the duties of commissioners of appeal in cases of taxation," passed the fourth of November, seventeen hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Time of meeting changed.

The eighth section of the act to which this is a supplement, which requires the commissioners of appeal in cases of excessive taxation to convene on the second Tuesday of November, shall be so changed as to require them hereafter to convene on the fourth Tuesday of November.

Approved, April 4, 1845.

A supplement to the act entitled, "An act to establish public schools," passed the first day of March, eighteen hundred and thirty-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Duties of superintendent.

SEC. 1. There shall be appointed, by the trustees of the school fund, a superintendent of public schools, whose duty it shall be to visit every township in the counties of Essex and Passaic, at least once in each year, to examine, as far as practicable, the schools, and to communicate with the school committees thereof, and on or before the first day of January, in each and every year, to make a written report to the trustees of the school fund, embracing a full statement of his proceedings during the year, together with such suggestions in relation to education as he shall deem important; he shall also transmit to the trustees of the school fund all reports of the school committees of the respective townships, which shall be made to him in conformity with the provisions of this act; he shall, on the first day of May, in each and every year, or within two weeks thereafter, transmit to the board of chosen freeholders of each of the aforesaid counties, and as many other counties as may choose to come under the provisions of this act, a list of the townships in said counties from which reports have been received according to law; he shall cause to be trans-

mitted to the school committees of the respective townships of the counties aforesaid, forms and regulations, prepared and adopted by the trustees of the school fund, in conformity to the provisions of the fourteenth section of the act to which this is a supplement; he shall, by public lectures and other suitable measures, labour to elevate the condition of the schools, and to advance the cause of education generally; and shall perform such other services in this behalf as shall be required of him by the trustees of the school fund; and, as a compensation for the faithful performance of the services herein prescribed, he shall receive the sum of three dollars per day for every day he shall have spent in such service, to be paid by the board of chosen freeholders of the several counties which shall come under the provisions of this act, in the same proportion or ratio as the school fund shall be apportioned to them by the trustees of said fund.

Compensation.

SEC. 2. The annual reports of the school committees of the respective townships in the counties aforesaid, directed and prescribed to be made in the thirteenth section of the act to which this is a supplement, shall hereafter be transmitted to the superintendent of public schools aforesaid; and if the school committee of any township shall fail to transmit to said superintendent the report so directed to be made in any year, such township shall not be entitled to receive any portion of the moneys distributed out of the annual income of the school fund for the support of public schools, until such report shall have been made agreeably to the provisions of this act.

Reports to be made to superintendent.

SEC. 3. It shall be the duty of the trustees of the several school districts, to employ no teacher or teachers who shall not first produce a certificate of license, signed by a majority of the county board of examiners, or by the school committee of the townships where such school is to be taught.

Teachers to be licensed.

SEC. 4. All moneys received from the state school fund shall be applied to purposes of education.

Money, how appropriated.

SEC. 5. Any county in this state, not recognized by the first section of this act, and which may be desirous to come under the provisions of the same, and which shall so signify by their board of chosen freeholders, shall first give notice to the trustees of the school fund of such intent; and, upon and after the receipt of such signification by the secretary of state, the provisions of this act shall apply to, and extend to such county.

Provisions of act extended to other counties.

SEC. 6. All the provisions of the act to which this is a supplement as are inconsistent with the provisions of this act, are hereby repealed.

Part of former act repealed.

SEC. 7. This act shall go into effect immediately.

Act, when to take effect.

Approved, April 4, 1845.

A further supplement to the act entitled, "An act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the twenty-seventh day of December, eighteen hundred and twenty-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Appointment of
additional commissioners au-
thorized.

SEC. 1. The governor of the state is hereby authorized to name, appoint, and commission two additional commissioners in the state of New York; which commissioners shall have the same power and authority as is now granted to commissioners appointed under and by virtue of the first section of an act entitled, "A further supplement to the act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the twenty-seventh day of December, eighteen hundred and twenty-six.

SEC. 2. This act shall take effect immediately.

Approved, April 4, 1845.

AN ACT to regulate the election of justices of the peace in Jersey City, and supplementary to "An act further to regulate the proceedings of the annual town and ward meetings."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Elections of jus-
tices of the
peace, how
conducted.

SEC. 1. The election of justices of the peace in Jersey City shall be under the direction of the same board of election and clerk, and shall open and close at the same hours, as are prescribed by "An act to incorporate Jersey City," passed the twenty-second day of February, eighteen hundred and thirty-eight, anything in the eleventh section of the act to which this is a supplement to the contrary notwithstanding; and the officers of said election shall be eligible to any office to be voted for at such election, except that of justice of the peace.

SEC. 2. The statements of the result of the election for jus-

lices of the peace shall be separate and distinct from the certificates of the result of the election, as to the other officers voted for at such election.

SEC. 3. This act shall go into effect immediately.

Act, when to
take effect.

Approved, April 4, 1845.

AN ACT to incorporate the Perth Amboy Steamboat Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows :

SEC. 1. Alexander Bruen, Joel Smith, William Berry, Henry Monee, Henry Cole, Augustus Coddington, and John Manning, and all such persons as may become members or partners of an association, to be called and known by the name of the Perth Amboy Steamboat Company, and their successors, are hereby made and declared to be a corporation and body politic, by the name of "the Perth Amboy Steamboat Company;" and, by that name, may have continual succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere ; and may have full power, right, and legal authority to purchase, build, hold, occupy, and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate, whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as herein after declared.

Names of corpor-
ators.

Style of incor-
poration.
General pow-
ers.

SEC. 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars, which shall be divided into shares of twenty-five dollars each ; and the said capital stock shall be employed in running one or more steamboats from Perth Amboy, in the county of Middlesex, to New York and elsewhere, and shall be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, repairing, or building of suitable landings, wharves, and store-houses ; and the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corpo-

Amount of capi-
tal stock.

ration, agreeably to the by-laws for that purpose to be made and adopted.

First directors. SEC. 3. Alexander Bruen, Joel Smith, William Berry, Henry Monee, Henry Cole, Augustus Coddington, and John Manning shall be the directors of the said corporation, from the time this act becomes a law until the election is held, as is herein after provided for; the board of directors for the time being shall have power to elect a president (who shall be a director), a treasurer, and all such officers and agents, and to employ such workmen, artificers, and labourers as shall be necessary to carry into effect and execute all powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts; and the said directors shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company, as to them shall seem expedient, and not inconsistent with the laws of this state or of the United States.

When corporation may commence business. SEC. 4. As soon as the sum of ten thousand dollars of the said capital stock shall be subscribed and paid, in lawful money or current bank notes, and an affidavit thereof, signed by a majority of the directors, and shall be filed in the office of the secretary of state, it shall be lawful for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations and capital, which they are hereby authorized to do, from time to time, not to exceed in the whole the sum of seventy-five thousand dollars.

Directors to open books of subscription. SEC. 5. The board of directors for the time being are authorized to open books of subscription to said stock, at such time or times, and place or places, as they, or a majority of them, shall think proper, giving at least twenty days' notice of the time and place of their meeting; and at the time of subscription, the sum of ten dollars on each share shall be paid to the directors, and the remainder of such subscription shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting all previous payments on such shares, for the use of said company: *provided always*, that no instalment shall exceed the sum of ten dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least thirty days' notice of the time and place appointed for the payment of each instalment shall be pub-

lished in one or more newspapers published in the county of Middlesex.

SEC. 6. The affairs, property, and concerns of the said corporation shall be conducted by seven directors, a majority of whom shall constitute a quorum, and at least four shall be residents in this state, and shall be chosen annually by ballot, by the stockholders, either in person or by proxy, no person to be eligible as a director who shall not be a stockholder in the said company; and in the choice of directors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first election for directors under this charter shall be held at Perth Amboy, on the first Monday of May next, ten days' notice being first given thereof, in a newspaper published in the county of Middlesex, and the stockholders, when met, to choose three persons as judges of election; and all future elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

Time and mode of annual election.

SEC. 7. The president shall preside at all meetings of said corporation, and if absent, his place may be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, carriages, vehicles, horses, cattle, stock of every kind and description, and all kinds of produce, or other articles that shall be transported in the boat or boats of the said company or corporation; and the said board of directors shall, from time to time, declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the sum over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Powers and duties of directors.

SEC. 8. If an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid, and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Corporation not dissolved for failure to elect on day prescribed.

SEC. 9. The said corporation shall not use or employ any part of the capital stock or other funds for banking or other

Restriction.

purposes, not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Limitation. SEC. 10. It shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall not continue in operation longer than twenty years.

Approved, April 4, 1845.

A supplement to "An act to regulate elections," passed the twelfth day of March, eighteen hundred and thirty-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Qualifications of voters. SEC. 1. Every white male citizen of the United States, of the age of twenty-one years, or upwards, (other than such as are herein after excepted) who shall have been a resident of this state one year, and of the county in which he claims his vote five months, next before the election, is entitled to vote in the township in which he actually resides, and not elsewhere, for all officers that now are, or hereafter may be elective by the people; and no other person shall have a right to vote at any election which shall be held under this act, or that to which it is a supplement.

Paupers, &c., not entitled to vote. SEC. 2. No pauper, idiot, or insane person shall be entitled to the right of an elector at any such election.

Persons convicted of certain crimes not entitled to vote. SEC. 3. No person who shall have been convicted, at any time previous to an election, of blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature, committed with mankind or with beast, polygamy, robbery, conspiracy, forgery, larceny of above the value of six dollars, perjury, or subornation of perjury, shall be entitled to the right of an elector at such election, unless pardoned or restored by law to the right of suffrage.

Mode of proving such conviction. SEC. 4. If a person be challenged, as convicted of any of the crimes enumerated in the preceding section, he shall not be required to answer any questions in relation to such alleged conviction, nor shall any proof of such conviction be received, other than a duly authenticated record thereof, except such proof as may be necessary to establish his identity with the person named in such record, or may be adduced by him to

rebut the evidence of identity produced on behalf of the challenge; but if any person so convicted shall vote at any such election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding two hundred dollars, or imprisonment at hard labour, not exceeding two years, or both.

SEC. 5. No person in the military, naval, or marine service of the United States shall be considered a resident in this state, by being stationed in any garrison, barrack, or military or naval place or station within this state. Military residents.

SEC. 6. All such elections shall be opened at the hour of eight o'clock in the morning, and close at the hour of seven in the evening, and shall continue one day only; and all such parts of the act to which this is a supplement, as contemplate the continuance of an election for two days, are to be understood as modified and conformed to the provision of this section. Time of opening and closing polls.

SEC. 7. At the next and every subsequent annual meeting in each township, the persons who shall be qualified to vote therein, shall appoint the place within such township at which all such elections shall be held during the year next following such annual meeting; and if they shall omit to appoint a place, then such elections shall be held at the place at which such annual meeting was held. Annual town meetings to appoint places for holding elections.

SEC. 8. On the Tuesday next after the first Monday in November next, after the passage of this act, and in each year thereafter, an election shall be held in each county, to elect, for such county, such a number of persons to be members of the General Assembly as such county shall be entitled to elect, each of whom shall be entitled to the right of suffrage, and shall have attained the age of twenty-one years, and have been a citizen and inhabitant of the state for two years, and of such county for one year, next before his election; and also one person to be sheriff, and three persons to be coroners, for such county, each of whom shall have the qualifications prescribed by law. Time of annual election for members of Assembly, &c.

SEC. 9. The secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of service of any member or members of the Senate of this state, direct and cause to be delivered to the clerk of every county whose senator's term of service will expire with the current legislative year, a notice stating such fact, and that a senator for said county is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of the said Secretary of state to give notice of expiration of term of service of senator.

notice, cause a copy of the same, certified, under his hand, to be true and correct, to be delivered to the clerk of each township in said county; and the clerk of each township shall, in every year in which the term of service of the senator for said county will expire as aforesaid, include in the advertisement required to be given by the tenth section of the act to which this is a supplement, a notice that a senator for said county is to be chosen at the ensuing election.

Time and mode
of election of
clerks and sur-
rogates.

SEC. 10. The clerks and surrogates of counties shall be elected by the qualified voters of each county, at the time of electing members of the General Assembly; they shall be elected once in every five years, and as often as vacancies occur; and every such vacancy shall be supplied at the general election next succeeding the happening thereof: it shall be the duty of the clerk of every county, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the clerk or surrogate of such county, to direct and cause to be delivered to the clerk of each township in said county, a notice that a clerk or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing annual election; in every such year in which an election for clerk or surrogate of a county is required to be made, the clerk of each township in said county shall include in the advertisement required to be given by the tenth section of the act to which this is a supplement, a notice that a clerk or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing election.

Time and mode
of election of
governor.

SEC. 11. When a governor is to be elected by the people, such election shall be held at the time when, and the places where the people shall respectively vote for members of the General Assembly; and each voter shall put the name of the person voted for as governor, designating him as such, on the same ticket with the names of the persons voted for as members of the legislature and county officers.

Secretary of
state to give no-
tice of election
for governor.

SEC. 12. The secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the governor, direct and cause to be delivered to the clerk of every county, a notice stating such fact, and that a governor is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county: in every year in which an election for governor is required to be made, the clerk of each township shall include in the advertisement required to be made by the tenth section

of the act to which this is a supplement, a notice that a governor is to be chosen at the ensuing election.

SEC. 13. On the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand eight hundred and forty-six, and in each second year thereafter, an election shall be held in this state, to elect, for this state, such a number of persons to be members of the House of Representatives of the United States, as this state shall be entitled to elect and send as members thereof, each of whom shall be a citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States for seven years next preceding such election.

Time of election of representatives in congress.

SEC. 14. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and forty-eight, and in each fourth year thereafter, an election shall be held in this state, to elect, for this state, such a number of persons to be electors of president and vice president of the United States, as this state shall be entitled to elect or appoint, each of whom shall be a free white male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States seven years next preceding such election.

Time of election of president and vice president.

SEC. 15. The stated election of members of the House of Representatives, and also the election of electors of president and vice president of the United States, in every year in which the same are respectively required to be made, shall be held at the same time with the election of members of the General Assembly; and the voters shall put the name of the person voted for as a member of the House of Representatives, designating him as such, and also the names of the persons voted for as electors of president and vice president, designating them as such, on the same ticket with the names of the persons voted for as members of the state legislature and county officers.

When election of representatives to be held in certain cases.

SEC. 16. Whenever any vacancy shall happen, in the representation of any county, in the Senate or General Assembly, the house in which such vacancy happens, shall direct a writ of election for supplying the same, unless such house shall be of opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days before the commencement of the legislative year (or a shorter time before such commencement, if the board of chosen freeholders make the requirement herein after

Vacancies in legislature, how supplied.

mentioned), it shall be the duty of the governor forthwith to issue a writ of election to fill the said vacancy, unless he shall be of opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the neglect of the governor to issue a writ for filling such vacancy shall not preclude the house in which such vacancy may have happened from causing the same to be filled, if they judge it advisable; *provided also*, that if the board of chosen freeholders of such county shall signify, in writing, to the governor, in case such vacancy occurs during the recess of the legislature, or after the annual election, and before the commencement of the legislative year, or to such house, when in session, the desire of such board that the vacancy shall be filled, then such house or the governor, as the case may be, shall forthwith, after such signification, issue such writ.

Vacancies in college of electors, how supplied.

SEC. 17. When any vacancy shall happen in the college of electors of this state, or when any such elector shall fail to attend by the hour of three o'clock in the afternoon of the day fixed by the congress of the United States for the meeting of the college of electors at the place of holding such meeting, those of the said electors who shall be assembled at the said hour and place, shall, immediately after that hour, proceed to fill, by ballot and by majority of votes, all such vacancies in the electoral college.

Mode of issuing writ of election.

SEC. 18. Every writ of election which shall be issued under the provisions of this act, or that to which it is a supplement, shall be of a nature of a proclamation, and be signed by the governor, or by the president of the Senate, or the speaker of the House of Assembly, as the case may be, and shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days from the date of such writ.

Special elections to be held on one day only

SEC. 19. Every special election shall be held on one day only, which shall be Tuesday.

Seats of senators or members vacated in certain cases.

SEC. 20. If any person who shall be elected a member of the Senate or General Assembly of this state, shall neglect or refuse for ten days next after the commencement of the session of such house, to take his seat therein, or to send to such house a satisfactory excuse, or shall, during any session of such house, be absent unremittingly for ten days (unless expressly excused by such house from attendance thereon), or shall remove from, and cease to be a resident of this state, his office shall be deemed vacant.

SEC. 21. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace, nor any person possessed of any office of profit under the government of this state, shall be entitled to a seat either in the Senate or the General Assembly, but, on being elected and taking his seat, his office shall be considered vacant; and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Persons holding certain offices not entitled to seats in either house.

SEC. 22. No person shall hold, at the same time, more than one of the following offices: elector of president and vice president of the United States, member of the House of Representatives of the United States, member of the Senate or of the General Assembly of this state, clerk or surrogate of a county, sheriff or coroner; and if any person who shall have been elected or appointed to any such office, shall, during the term for which he shall have been elected or appointed, be elected or appointed to another of such offices, and shall accept the same, such acceptance shall be deemed to make vacant the office to which he shall have been previously elected or appointed; and if any person shall, at any election, be elected to two or more of such offices, he shall accept but one of the same, and the other or others shall be deemed vacant.

Persons incapable of holding more than one of certain offices

SEC. 23. The hour for the organization of the board of election, mentioned in the thirtieth, thirty-second, and thirty-third sections of the act to which this is a supplement, is changed to eight o'clock in the morning of the day of election.

Hours of meeting of board of election.

SEC. 24. Any person who may be appointed to fill the place of any one of the judges of election, in consequence of the absence, disqualification, neglect, or refusal to serve of such judge, and any person who may, in like manner, be appointed clerk of the board, in place of clerk of the township, under the thirty-second or thirty-third sections of the act to which this is a supplement, shall be deemed to be, in all respects, a member or clerk of such board, with respect to all matters appertaining to that election; but his powers under such appointment shall not extend to any subsequent election.

Officer appointed to fill vacancy, to be member of board.

SEC. 25. When such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of each of the judges of election to take an oath or affirmation, to be administered by the clerk of the board, in the following form:

Oath of judges of election.

"You do swear (or affirm, as the case may be), that you will faithfully and impartially execute the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not, in all respects, qualified and entitled to vote

according to law; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge his vote, and will refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein."

Board may adjourn.

SEC. 26. When such board shall have become organized, and the members and clerk thereof sworn or affirmed, the election shall be opened, and the same shall be kept open during the whole of the day of election, between the hours of eight o'clock in the morning and seven o'clock in the evening; but said board may adjourn the proceeding in such election from one o'clock until two o'clock in the afternoon, or for any shorter time between those hours, as they shall see fit.

Form of oath rendered to person challenged.

SEC. 27. If any person shall be challenged, as not qualified or entitled to vote, the chairman of such board may forthwith tender to the person so challenged an oath or affirmation, in the following form:

"You do swear (or affirm, as the case may be,) that you are a citizen of the United States; that you have resided in this state one year, and in this county five months, next before this election, and not elsewhere; that you are now a resident in this township (or ward, as the case may be,); that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election in this township (or ward, as the case may be,), and that you have not voted elsewhere in this election:"

And if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

Part of former act revived.

SEC. 28. The forty-fifth, one hundred and sixth, and one hundred and seventh sections of the act to which this is a supplement, are hereby revived and continued in force.

Mode of canvassing votes.

SEC. 29. As soon as the hour of seven o'clock in the evening of the day of election shall arrive, the board shall proceed, in an open and public manner, to estimate and canvass the votes received, and shall complete the same without any unnecessary delay; and, on completing the same, shall audibly and publicly announce the result thereof, particularly specifying the whole number of the names of the voters in the poll book, the name of each person for whom any vote shall have been given for any office to be filled at such election, and the number of votes given for each person, for the office designated for him by such votes.

SEC. 30. Each of the judges of election shall, at the opening thereof, take one of the keys of the locks of the ballot box,

and shall keep the same until a statement of the result thereof shall be made and certified, as directed by the act to which this is a supplement, and shall not, during that time, suffer either of the other judges, or any other person, on any pretence, to take or have the same; and in all cases in which such board are directed to lock the ballot box, each of the locks thereof shall be locked by the judge who shall have the key belonging thereto, as directed by the act to which this is a supplement.

Judges of election to keep keys of ballot box.

SEC. 31. In all elections which shall be held under this act, or that to which it is a supplement, for the choice of a governor, a member of the state Senate, members of the General Assembly, clerk of the county, surrogate, sheriff, and coroners, or any of them, the board of election shall make a statement of the result thereof, and a certificate, in like form with that prescribed in the sixty-first section of the act to which this is a supplement, and agreeably to the directions therein contained; and whenever an election is held for the choice of a governor, the township board of election shall cause to be made an additional copy of the statement of the result of the election, and of the certificate thereto, which copy they shall certify and subscribe, enclose, seal up, and transmit to the secretary of state, in the time and manner prescribed by the sixtieth section of the act to which this is a supplement; and the secretary of state, on receiving the same, shall forthwith file it in his office, as an official paper.

Statements of result of election to be made.

SEC. 32. When a governor, a clerk of a county, or a surrogate, shall be voted for at any election, the provisions of the act to which this is a supplement, relative to the statement of the result by the board of county canvassers, shall apply and be extended to the votes for such offices respectively; and the several provisions relative to the statement of the determination by said board, shall apply to said votes for clerk and surrogate.

Statement of result of election for governor, &c.

SEC. 33. The provisions of the eighty-first section of said act shall apply and be extended to the statements of the votes in each county, in relation to the office of governor.

Provisions of former act extended.

SEC. 34. The board of state canvassers shall meet at Trenton, on the twenty-first day next after the day of any election for electors of president and vice president, members of the House of Representatives, or governor; and the provisions of the eighty-first and eighty-second sections of said act are to be understood as modified accordingly.

Time of meeting of board of state canvassers

SEC. 35. The governor, and four or more members of the Senate, to be summoned by him, shall constitute a board of state canvassers, for the purpose of estimating the votes given

Board of state canvassers, how constituted.

for governor; and the provisions of the eighty-second, eighty-third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, ninetieth, and ninety-first sections of said act shall extend to the canvass of the votes for the office of governor; and the secretary of state shall make out a copy of the statement of the determination of the board, and certify the same, agreeably to the provisions of the ninety-second section of said act, and shall without delay deliver the same to the person thereby declared to be elected.

Time of meeting
of legislature.

SEC. 36. The Senate and General Assembly shall convene and commence their sessions, on the second Tuesday in January next after they shall have been elected; and the ninety-fourth section of the act to which this is a supplement is modified accordingly.

Penalty for ille-
gal voting.

SEC. 37. Any person who shall vote, or shall fraudulently offer to vote, at any election held under this act, or that to which it is a supplement, or at any township or ward election, who shall not have been a resident of this state for one year, and of the county in which he votes five months, next before the election, or who at the time of the election is not twenty-one years of age, knowing that he is not twenty-one years of age, or who is not a citizen of the United States, knowing that he is not such citizen, or who, by reason of any disability, is not duly qualified to vote at the place where and time when his vote is given or so offered, knowing that he is not duly qualified, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or imprisonment, not exceeding one year, or both, at the discretion of the court before which such conviction is had.

Penalty for ad-
vising illegal
voting.

SEC. 38. Any person who shall procure, aid, assist, counsel, or advise another to give his vote, knowing that such other person, from any disability, is not duly qualified to vote at the place where and time when the vote is to be given, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding five hundred dollars, or imprisonment, not exceeding one year, or both, at the discretion of the court before which such conviction shall be had.

Certain sections
of original act
modified.

SEC. 39. Where the words "the Legislative Council" or "the Council" occur in the act to which this is a supplement, the words "the Senate" are hereby substituted therefor; where "the vice president of the Legislative Council" is spoken of "the president of the Senate" shall be understood as substituted therefor; and the sections in said original act, in which such modifications are hereby made, shall have the like effect as if

said sections were now herein repeated at length, with such alterations incorporated therein; and this act and such parts of said original act as now remain in force shall, from the time this act becomes a law, have the like force and effect as if such subsisting sections of the original act were now repeated, and the provisions of this supplement incorporated therein.

SEC. 40. The officers herein after named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of an election as is required by the ninth and twelfth sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the tenth section of this act, the sum of fifty cents for each notice, or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties, respectively, in which such services shall be performed.

Compensation
to certain officers.

SEC. 41. All sections and clauses of the act to which this is a supplement, or of any other act inconsistent with the provisions of this act, so far as they conflict with the provisions of this act, are repealed or modified, so as to conform to the provisions hereof.

Part of former
act repealed.

SEC. 42. The first, second, third, fourteenth, fifteenth, sixteenth, twenty-second, thirty-fourth, thirty-sixth, forty-second, forty-third, forty-fourth, forty-sixth, forty-ninth, fiftieth, fifty-seventh, one hundred and ninth, one hundred and tenth, and one hundred and eleventh sections of the act to which this is a supplement, are repealed: the supplements to said act, passed, respectively, on the twelfth day of March, eighteen hundred and thirty-nine, and on the ninth day of March, eighteen hundred and forty-two, and on the twenty-third day of February, eighteen hundred and forty-three, and on the thirteenth day of March, eighteen hundred and forty-four, are repealed.

Certain sections
of former act
repealed.

SEC. 43. This act shall go into effect immediately.

Act, when to
take effect.

Approved, April 4, 1845.

AN ACT to incorporate the Mount Holly Water Company.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

**Commissioners
to open books
of subscription.**

SEC. 1. Subscription books to the capital stock of the Mount Holly Water Company may be opened, within six months after the passing of this act, by Abraham Brown, Charles Bispham, James Langstaff, Clayton B. Rogers, and Richard Jones, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, shall direct, giving notice thereof, at least twenty days prior to the opening of the said books, in all the newspapers published in the county of Burlington.

Amount of capital stock.

SEC. 2. The capital stock of the said company shall be fifteen thousand dollars, with the privilege of increasing the same to twenty thousand, to be divided into shares of twenty dollars each; and when two hundred and fifty shares are subscribed for, the persons holding the same, their successors and assigns, shall be, and they are hereby incorporated into a company, by the name of "the Mount Holly Water Company;" and, by that name, shall be capable of purchasing, or of otherwise becoming seized and possessed of, holding and conveying, real and personal estate, and of using, selling, hiring, and renting, and otherwise disposing of the water they may raise and procure; shall have power to make and use a common seal, and the same to alter; and by said corporate name to sue and be sued; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary to promote and effect the object of this incorporation, which is hereby declared to be the supplying the town of Mount Holly with pure and wholesome water.

**Instalments,
how paid.**

SEC. 3. At the time of subscribing for the said stock, two dollars on each share shall be paid, or secured to be paid, to the said commissioners, or to some one of them, in such mode as the said commissioners in their discretion shall direct, which money and securities shall be paid and delivered over to the treasurer of said company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in such instalments, at such times and places, and to such person or persons, as the president and directors of the said company shall from time to time direct, by notices published for two weeks, successively, in such newspaper or newspapers as may be published in the town of Mount Holly aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the share or shares

of each and every person so failing to pay the said instalments, or any or one of them, for the use of the said company.

SEC. 4. When two hundred and fifty shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, by advertising the same in the newspapers published in Mount Holly, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon elect, by ballot, seven directors, a majority of whom shall be residents in Mount Holly, to manage the affairs of the said company for one year, of which election some discreet person, to be chosen by the said commissioners, or by a majority of them, shall be the judge; and at the expiration of that term, and annually thereafter, at a day and time to be designated, and upon like notice to be given by the said directors for the time being, or a majority of them, the said stockholders shall elect the same number of directors, a majority of whom shall be residents in Mount Holly as aforesaid; and in all cases of elections the stockholders may vote either in person or by proxy; and each stockholder holding one share shall have one vote, each stockholder holding five shares two votes, and an additional vote for each succeeding five shares.

Manner of annual election of seven directors.

SEC. 5. Within twenty days after each annual election as aforesaid, the said directors shall elect, from their own body, a president of the said company, who shall hold his office for one year or until another shall be elected, and shall receive such compensation for his services as the said directors, or a majority of them, shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be divided, shall have charge of the seal of the said company, and shall appoint the judge or judges of all elections by the stockholders; and in case of his death, absence, inability, or refusal to act, the said directors, or a majority of them, shall appoint, from their body, a suitable person in his place, who, for the time being, shall possess the same power and authority, and perform the duties herein prescribed.

Directors to elect president.

SEC. 6. If, from any cause, any election herein before named shall not be had at the time specified therefor, this charter shall not be avoided thereby, but the same may be made at any time, on notice as aforesaid; and until such election is had, the officers previously elected by the stockholders shall continue to hold their respective offices until others are elected in their stead.

Officers to hold offices until others are elected.

SEC. 7. Four directors, with the president, shall be a quorum for business; and the said directors, or a majority of them, shall have power to supply any vacancy in their body occurring

Powers and duties of directors.

between the annual elections, by death, removal, or refusal to act, and to appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation, respectively, as they may determine on, and to exact from them, respectively, due security; to regulate and assess the tolls, taxes, and water rates to be paid to and levied by the said company; to have the superintendence and direction of all the effects, receipts, disbursements, and other affairs of the said company; and to make, prescribe, and enforce such ordinances and by-laws as they may deem necessary and expedient to govern the conduct of all persons with whom they may contract for a supply of water from their works, in order to regulate the use of the said water, and to preserve the same from waste; and, by such ordinances and by-laws, to impose penalties and forfeitures for a breach thereof, or for a neglect or refusal to comply therewith; *provided* such penalty or forfeiture shall not in any one case exceed the sum of five dollars; *and provided also*, the said by-laws and ordinances shall be published for two weeks, successively, in one or more of the newspapers published in Mount Holly, before any attempt shall be made to enforce the same; which penalties and forfeitures shall be recoverable in the name of the said company, before any justice of the peace of the county of Burlington, with costs, in an action of debt, as well from any stockholder of said company, as from any other person; and to enable, prescribe, and enforce such by-laws and ordinances as they may deem expedient for regulating the transfer of stock and for the general government of the company, and the management of its affairs; *provided* the same be not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Proceedings
when company
and owners of
land cannot
agree on value.

Sec. 8. It shall and may be lawful for the said company to erect, upon the most eligible site, on either bank of the north branch of Rancocus creek, above the road leading from Mount Holly to Vincentown, all the works necessary to promote and effect the object of this incorporation, and to take from the said creek such and so much water as may be necessary for the purposes aforesaid; and to excavate, embank, and construct upon the mount near Mount Holly, or upon the lands adjacent, a reservoir of such size, capacity, and materials as the said directors, or a majority of them, may deem necessary, and the same to repair, alter, and extend, the consent of the owner or owners of the property to be taken to be first obtained; and to lay, sink, and extend their pipes, conduits, and branches through any lands that may be, by the said directors, or a majority of them, deemed necessary for the purposes aforesaid, and the same to repair, alter, and remove, first giving notice in writing of their intention to the owner or owners or persons interested,

or to the guardian or guardians of any minors who may be interested, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands or waters that may be occupied, injured, or affected by the construction of the said works and reservoir, the laying, sinking, and extending of the said pipes, conduits, and branches, and the direction and use of the said waters, according to a reasonable agreement between the parties; but in case of disagreement between the parties, as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each, to choose a reputable freeholder, not stockholders in the said company, and they two a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid for the damages aforesaid, shall be conclusive; and in case such owner or owners, guardian or guardians, or person or persons interested, shall neglect or refuse, for the space of fifteen days after such notice in writing given, to choose a person as aforesaid, or cannot be found in the state of New Jersey to be served with notice as aforesaid, then it shall be lawful, on the application of the said company or their officers, for any justice of the peace of the county of Burlington, not interested, to issue his venire, directed to any constable of said county, commanding him to summon twelve good and lawful men of the county, qualified to act as jurors, not being members or stockholders of the said company, nor interested therein, who, having been duly sworn, by and before the said justice, justly and truly to assess the said damages, upon examining the lands and premises, and the facts disclosed by the evidence produced before them by the said company, or its officers, in the presence of the said justice, shall find and assess such damages as to them shall appear just and reasonable; which assessment shall be entered by the said justice in his docket, and shall be conclusive between the parties.

Sec. 9. It shall and may be lawful for the said company to lay, sink, and extend their said pipes, conduits, and branches through such of the highways and streets of the said town of Mount Holly as the said directors, or a majority of them, may deem advisable and necessary; and for that purpose, and whenever it may be necessary to alter, remove, or repair the same, to dig, excavate, and remove so much of the earth and soil in the said highways and streets as may be necessary for the objects and purposes aforesaid; *provided*, that so much of the said soil and earth as may be necessary to restore the said streets and highways to their former condition, shall be replaced at the expense of the said company, as soon as may be compatible with a judicious prosecution of the said work.

Company authorized to lay pipes through streets.

Penalty for injuring works of company. SEC. 10. If any person or persons shall wilfully injure, destroy, or obstruct the pipes, conduits, branches, machinery, fixtures, or works of the said company, such person or persons so offending shall pay to the said company triple the amount of the damages sustained by the said company, to be by them recovered, with costs, in any court of competent jurisdiction.

Directors to make dividends. SEC. 11. The stock of the said company shall be considered personal property; and it shall be lawful for the said directors, or a majority of them, to make dividends of so much of the profits of the said company as shall appear advisable from time to time.

Restriction. SEC. 12. It shall not be lawful for the said company to use their funds, or any part thereof, in banking operations.

Act, when to take effect. SEC. 13. This act shall go into operation immediately.
Approved, April 5, 1845.

A supplement to "An act constituting courts for the trial of small causes."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

Justice may summon jury of six men. SEC. 1. In all suits in any court for the trial of small causes, where the debt, demand, or matter in dispute does not exceed the sum of fifty dollars, and a trial by jury is duly demanded by either of the parties, the justice shall issue a venire to summon a jury of six men, and no more.

Costs, how paid in certain cases. SEC. 2. When the plaintiff, in an action of debt, shall demand a jury of twelve men, and such jury shall find a sum in favour of such plaintiff, not exceeding fifty dollars, and not less than ten dollars, then such plaintiff shall pay one half of the costs of such jury; and if the sum found by such jury in favour of such plaintiff be less than ten dollars, then such plaintiff shall bear the whole costs of such jury.

Plaintiff to pay costs in certain contingency. SEC. 3. When the plaintiff, in an action of debt, shall demand a jury of six men, and such jury shall find a sum, in favour of such plaintiff, under ten dollars, such plaintiff shall bear the whole costs of such jury.

SEC. 4. There shall be no stay of execution upon any judgment to be obtained in this court, unless the party or parties

against whom such judgment is rendered shall give freehold security, in the manner now provided by the last clause of the twenty-fourth section of the act to which this is a supplement. Security to be given for stay of execution.

SEC. 5. So much of the act to which this is a supplement, as is inconsistent with the provisions of this act, is hereby repealed. Part of former act repealed.

Approved, April 5, 1845.

AN ACT to repeal "An act concerning small notes for the payment of money," and "An act to prevent the issuing and circulation of small notes for the payment of money," and the supplement thereto, passed on the ninth day of March, eighteen hundred and thirty-six, and "An act to repeal so much of certain acts as prohibit the issue and circulation of notes of incorporated banks of this state under the denomination of five dollars."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

"An act to prevent the issuing and circulation of small notes for the payment of money," passed the fourth day of March, eighteen hundred and thirty-five, and the supplement thereto, passed on the ninth day of March, eighteen hundred and thirty-six, and "An act to repeal so much of certain acts as prohibit the issue and circulation of notes of incorporated banks of this state under the denomination of five dollars," passed the thirty-first day of January, eighteen hundred and thirty-eight, and "An act concerning small notes for the payment of money," passed the nineteenth day of February, eighteen hundred and thirty, are hereby repealed; and this act shall take effect immediately. Former acts repealed.

Approved, April 5, 1845.

AN ACT to require justices of the peace to give security.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Justices of the
peace to give
bond.

SEC. 1. Every person elected to the office of justice of the peace, in any of the counties of this state, who has not yet been commissioned, shall give bond to the state of New Jersey, in such sum as the judges of the court of common pleas of such county, or any three of them, may deem sufficient, not less than five hundred, nor more than three thousand dollars, with good freehold security, to be approved by such judges, conditioned for the payment on demand, to the person entitled or authorized to receive the same, of all moneys that may come into his hands, as such justice of the peace, during the continuance of his office.

Bond, how pro-
secuted.

SEC. 2. Such bond shall be for the benefit of any person concerned or aggrieved; and the circuit court of the county may, from time to time, upon application in writing by any person concerned or aggrieved, order a prosecution of the bond, to be conducted at the expense of the applicant.

Where filed.

SEC. 3. Such bond shall be filed in the office of the clerk of the proper county.

Penalty for act-
ing before bond
is filed.

SEC. 4. If any justice of the peace shall enter upon the execution of his office before taking his official oaths and filing such bond, he shall forfeit, for each offence, the sum of one hundred dollars.

Act, when to
take effect.

SEC. 5. This act shall take effect immediately.

Approved, April 5, 1845.

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AN ACT to authorize the inhabitants of the township of Rahway, in the county of Essex, to vote by ballot at their town meetings.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Part of former
act repealed.

SEC. 1. "An act to repeal so much of the act entitled, an act to authorize the inhabitants of the townships of Westfield,

New Providence, Rahway, and Caldwell, in the county of Essex, to vote by ballot at their township meetings, passed February twentieth, eighteen hundred and forty-one, as relates to or is binding upon the inhabitants of the township of Rahway, in the county of Essex, and for other purposes," passed the thirteenth day of March, eighteen hundred and forty-four, is hereby repealed, so far as relates to the inhabitants of the township of Rahway aforesaid.

SEC. 2. The said act, entitled, "An act to authorize the inhabitants of the townships of Westfield, New Providence, Rahway, and Caldwell, in the county of Essex, to vote by ballot at their town meetings," passed the twenty-sixth day of February, eighteen hundred and forty-one, is revived and continued in force, as to the inhabitants of the said township of Rahway, except so much thereof as requires the amount of money to be raised for such purposes as are or may be authorized by law, and the amount of tax to be levied on dogs, and the sum to be allowed per day for labour upon roads to be determined by ballot, and the overseers of the highways to be elected by ballot.

Part of former act revived.

SEC. 3. The officers of election shall be eligible to any office to be voted for at town meeting, except that of justice of the peace.

Officers of election not eligible for justices of the peace.

SEC. 4. This act shall take effect immediately.

Act, when to take effect.

Approved, April 5, 1845.

AN ACT to establish a new township in the county of Somerset, to be called the township of Branchburgh.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. All that part of the township of Bridgewater, in the county of Somerset, contained within the following bounds, that is to say: beginning on the corner of lands of Abraham C. Van Doren and William I. Voorhees, in the line between Hunterdon and Somerset, and running from thence down the south branch of Raritan river and the line of Hillsborough township, the several courses thereof, to the junction of the north and south branches thereof; thence, up the north branch, to the

Boundaries of township.

Lamington river; thence, up the Lamington river, to the line between Hunterdon and Somerset; thence along said line, the several courses thereof, (southerly) to the place of beginning, shall be, and hereby is set off from the township of Bridgewater, in the county of Somerset, and made a new township, to be called and known by the name of "the township of Branchburgh;" *provided*, that this act shall not take effect and be in force until from and after the second Monday of April next.

Proviso.

Inhabitants incorporated.

SEC. 2. The inhabitants of the township of Branchburgh are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of Branchburgh, in the county of Somerset," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Somerset are or may be entitled or subjected to by existing laws of this state.

First town meeting in Branchburgh.

SEC. 3. The inhabitants of the township of Branchburgh shall hold their first town meeting at the house of Isaac H. Hall, in the said township, on the day appointed by law for holding the annual town meetings in the other townships in said county of Somerset.

Township committees to divide property, &c.

SEC. 4. The town committees of the townships of Branchburgh and Bridgewater shall meet on the Monday next after the annual town meetings in said townships, at the inn lately kept by David Sanderson, at Somerville, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor, within their respective limits, at the last assessment; and the inhabitants of the township of Branchburgh shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division: and the decision of a majority of those present shall be final and conclusive.

Right of township in surplus revenue not impaired.

SEC. 5. Nothing in this act shall be so construed as to impair, or in any wise affect the right of said township of Branchburgh of, in, and to any portion of the surplus revenue of the general government, to which the said township may now, or at any time hereafter, be entitled in the distribution of said surplus revenue.

Paupers, how chargeable.

SEC. 6. All the paupers now chargeable to the township of Bridgewater, in the county of Somerset, whose settlements



were acquired within the bounds of the said township of Branchburgh, shall be chargeable to, and supported by the said township of Branchburgh.

Approved, April 5, 1845.

AN ACT to raise by tax the sum of forty thousand dollars.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. There shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and forty-six.

\$40,000 to be raised by tax.

SEC. 2. The said sum of forty thousand dollars shall be paid by the several counties of this state, in the proportion following, that is to say:

Proportions to be raised by the several counties.

The county of Bergen shall pay the sum of thirteen hundred and thirty-four dollars.

The county of Hudson shall pay the sum of eight hundred and twenty dollars.

The county of Essex shall pay the sum of thirty-five hundred and fifty-two dollars.

The county of Passaic shall pay the sum of ten hundred and twenty-four dollars.

The county of Morris shall pay the sum of thirty-one hundred and thirty-six dollars.

The county of Sussex shall pay the sum of twenty hundred and twenty-five dollars.

The county of Warren shall pay the sum of twenty-one hundred and eighty-five dollars.

The county of Hunterdon shall pay the sum of thirty-one hundred and two dollars.

The county of Somerset shall pay the sum of twenty-five hundred and ten dollars.

The county of Middlesex shall pay the sum of twenty-seven hundred and thirty-two dollars.

The county of Monmouth shall pay the sum of thirty-seven hundred and twenty-four dollars.

The county of Burlington shall pay the sum of thirty-eight hundred and ten dollars.

The county of Gloucester shall pay the sum of thirteen hundred and sixty-two dollars.

The county of Camden shall pay the sum of fifteen hundred and fifty dollars.

The county of Cumberland shall pay the sum of fifteen hundred and eighty-six dollars.

The county of Salem shall pay the sum of twenty-one hundred and fifty-six dollars.

The county of Cape May shall pay the sum of six hundred and forty-six dollars.

The county of Atlantic shall pay the sum of four hundred and sixty-six dollars.

The county of Mercer shall pay the sum of twenty-two hundred and eighty dollars.

Sec. 3. The assessors of the several townships, cities, or boroughs of this state, to raise the aforesaid sum of forty thousand dollars, shall assess and rate the several articles and things herein after enumerated, at the following sums:

Enumeration of
articles taxed at
specific sums.

Every covering horse or jack, above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse or jack is kept; all other horses or mules, three years old and upwards, any sum not exceeding eight cents.

All neat cattle, three years old and upwards, any sum not exceeding four cents.

Sec. 4. In assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things shall be valued and rated at the discretion of the assessor, to wit:

Articles to be
valued and rated
at the discretion
of the assessor.

All tracts of land of more than twenty acres, at any sum not exceeding one hundred dollars, by the hundred acres; and all houses and lots of land of twenty acres and under, connected therewith, and all lots of land of twenty acres and under, not connected with houses, shall be valued by the respective assessors at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent or value of the same, as near as may be, according to the scale by which they shall rate lands, in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men), any sum not exceeding three dollars, over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding ten dollars.



All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomeries that work bar-iron, immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or oil presses, any sum not exceeding nine dollars.

All bark mills, propelled by water or steam, for grinding bark for sale, any sum not exceeding ten dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries, used for distilling spirits from rye or other grain, or molasses or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries, used for distilling, any sum not exceeding thirty dollars, having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage wagon, any sum not exceeding five dollars.

Every two-horse stage wagon, any sum not exceeding two dollars and fifty cents.

Every covered riding wagon, any sum not exceeding seventy-five cents.

Every two-horse chair or curricie, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dyeing manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars and fifty cents.

Every glass or porcelain manufactory, where glass or porcelain ware is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Every oil cloth manufactory, any sum not exceeding ten dollars.

Tax of single men.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and fifty cents, over and above the certainties made ratable by this act; if any single man be a householder, he may, at the discretion of the assessor, be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be construed to subject any species of property to be taxed more than once, and that no property herein specifically mentioned as taxable, shall be subject to a tax as real estate.

Proviso.

Duties of assessor.

SEC. 5. It shall be the duty of every assessor to make and carry out, in his tax book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing, levying, and collecting.

SEC. 6. The said sum of forty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and col-

lection of said tax, shall be entitled to the fees and compensation allowed by law.

SEC. 7. This act shall take effect immediately.

Act, when to
take effect.

Approved, April 5, 1845.

AN ACT to defray incidental expenses.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows:*

SEC. 1. It shall be lawful for the treasurer of this state to pay, to the several persons herein after named, the following sums, viz:

Certain incidental charges directed to be paid.

1. To Thomas Macpherson, for stationery for the use of the Senate, ninety dollars and thirty-nine cents.

2. To Thomas Macpherson, for stationery for House of Assembly, twenty-one dollars and thirty cents.

3. To Thomas Macpherson, for paper for supreme court, eight dollars.

4. To Samuel R. Gummere, for cash paid D. Fenton, Charles Scott, and others (as per receipts), one hundred and thirteen dollars and ninety-two cents.

5. To William Marseilles, for repairs done to the government house, four dollars and fifty-six cents.

6. To William W. Norcross, for candles for supreme court, ten dollars and eighty-eight cents.

7. To Titus & Brother, for green baize to cover desk in secretary's office, and sundries per engrossing clerk, five dollars and thirty cents.

8. To Phillips & Boswell, for printing commissions, pedler's licenses, bank circulars, &c., including amount paid Charles Scott for stitching and covering one thousand constitutions (as per receipt), one hundred and fifty-three dollars.

9. To Charles Brearley, for oil, glass, paints, &c., furnished for the New Jersey arsenal, ten dollars and twenty-nine cents.

10. To Jonathan Cook, for horse and carriage hire for use of state prison committee, eighteen dollars.

11. To Kinney & Co., for two dozen congress knives (per secretary of Senate), twenty-eight dollars.

12. To Daniel Hart, for one load hickory wood, and sawing the same, for court of chancery, two dollars and eighty-eight cents.

13. To Robert Shay, for taking care of the senate chamber through the summer and fall (as per resolution of Council), thirty dollars.

14. To John Fausset, for repairing pipes in heater, two dollars.

15. To Jasper Scott, for mason work at furnaces, three dollars.

16. To William Hancock, for taking down and putting up pipes to heater, two dollars and fifty cents.

17. To president and directors of the Trenton water works, for water twelve months, ten dollars.

18. To A. L. Dennis, for stationery for Senate and Assembly, eighty-one dollars and fifty cents.

19. To Daniel Dodd, jun., for clock for senate chamber, twenty-five dollars.

20. To Charles Parker, George S. Green, and Samuel S. Stryker, for appraising stock at state prison, one hundred and forty-seven dollars and seventy-five cents.

21. To Joseph Levy, for steel pens per D. Dodd, jun., ten dollars.

22. To Elias Phillips, for tubs, tumblers, and pitchers, &c., six dollars and three cents.

23. To Southard, Grant, & Co., for posts and boards to repair fence around state house yard, one dollar and forty cents.

24. To Stryker & Steward, for candles and sundries (per bill), twenty-four dollars and thirty-one cents.

25. To Jonathan S. Fish, for three tons egg coal for arsenal, thirteen dollars and fifty cents.

26. To W. A. & A. B. Green, for ten tons broken coal, forty dollars.

27. To Franklin S. Mills, for two hundred copies of the new constitution, thirty dollars.

28. To John C. Miller, for sundries for senate chamber, assembly room, office of secretary of state, and chancery office, &c., one hundred and four dollars and fifty-nine cents (as per bill).

29. To Jacob Luther, for coal for senate chamber and work in state house cellar and yard, nine dollars and fifty cents.

30. To James M. Newell, for indexing and preparing a copy for printing the journal index of the session of eighteen hundred and forty-three and eighteen hundred and forty-four, fifty dollars.

31. To Sherman & Harron, for printing three hundred copies of the rules of the supreme court, fifty-three dollars.

32. To William Paterson, for furnishing a copy of the journal of the convention to revise the constitution to the printer, for publication, ninety-two dollars and eighty cents.

33. To Joseph G. Brearley, for sundries for senate chamber, assembly room, &c., nine dollars and eighty-six cents.

34. To Orrin Pharo, for publishing the constitution, and governor's proclamation relative thereto, in the Monmouth Inquirer, one hundred dollars.

35. To Charles Scott, for stationery for the use of Assembly (per James Newell), one hundred and forty-six dollars and forty-cents.

36. To Charles Scott, for stationery for the use of the supreme court and office, thirty-nine dollars and twenty-nine cents.

37. To Charles Scott, for stationery for the use of the Senate, sixty-nine dollars and ninety-seven cents.

38. To Charles Scott, for stationery for the use of the governor and secretary of state's office, one hundred and four dollars and forty-one cents.

39. To Charles Scott, for stationery for the use of the engrossing clerks, thirty-one dollars and forty-two cents.

40. To Charles Scott, for books and stationery for the treasurer's office, eighteen dollars and thirty-eight cents.

41. To Charles Scott, for stationery for the House of Assembly (per A. G. Cattell), thirteen dollars and five cents.

42. To Charles Scott, for binding journals of the convention and putting up in blue covers the acts of the sixty-eighth legislature, forty-five dollars and sixty cents.

43. To Charles Scott, for binding law books for state library and for putting up in blue covers eight hundred and sixty copies of journal of convention, fifty-nine dollars and seventy-seven cents.

44. To Phillips & Boswell, for one hundred and fifty copies of "Halsted's Digested Index to the Decisions of the Supreme Court," by concurrent resolution of the legislature, six hundred dollars.

45. To G. W. Clawson, for publishing the laws of the session of eighteen hundred and thirty-eight and eighteen hundred and thirty-nine in the Warren Journal, ten dollars.

46. To Isaac Dunn, for repairing blinds in senate and assembly rooms, three dollars and twenty-five cents.

47. To George H. Tindall, for carpenter work to out-house,

putting on locks, repairing desks in the senate and assembly rooms, sixteen dollars and thirty-two cents.

48. To W. W. Norcross, for one box candles for Council, October twenty-first, eighteen hundred and forty-three, not settled for, per bill, eleven dollars and eighty-nine cents.

49. To Isaac Fowler, for plastering and mason work to the ceiling in supreme court room and the wall of the state house yard, nine dollars and twenty-five cents.

50. To John B. Boling, for glass and glazing for state house, offices, and government house, per bill, fourteen dollars and eighteen cents.

51. To David Clark, for paper and papering government house and binding for library, twelve dollars and ninety cents.

52. To J. G. Brearley, for hardware, nails, locks, hinges, &c., per bill, fourteen dollars and thirty-three cents.

53. To William Marseilles, for carpenter work to government house, thirty dollars.

54. To William G. Cook & Co., for lumber for government house, per Marseilles, fourteen dollars and seventy-one cents.

55. To Taylor & Disbrow, for blacksmith work at government house, three dollars and twenty-seven cents.

56. To John Bateson, for repairing pump, &c., at government house, &c., three dollars.

57. To C. B. Howell, for repairing gutter on government house, one dollar and seventy-five cents.

58. To John Crossley, for mason work at government house, per bill, three dollars and fifty-nine cents.

59. To Jonathan S. Fish, for twenty-nine cedar posts, at sixteen cents, four dollars and sixty-four cents.

60. To Halsey Canfield, for making fence and repairing gate in state house lot, ten dollars and thirty-seven cents.

61. To Philemon Dickinson, for lumber for fencing in state house yard, per bill, nineteen dollars and eighty-two cents.

62. To William Crossley, for cleaning state house yard with horse and cart, &c., three dollars and fifty cents.

63. To Charles Stedman, for repairing state house gate, one dollar.

64. To Charles G. McChesney, for amount paid William Clark, Charles Thomas, as per receipts, for transmission of laws, notification to banks of appointment of treasurer, &c., eight dollars.

65. To P. S. Phillips, for millet seed, &c., for testing measures, as per bill, one dollar and fifty cents.

66. To William Kinney & Co., bill knives per A. G. Cattell, seventy dollars.

67. To A. G. Cattell, for stationery, &c., furnished for the use of Assembly, eighty-seven dollars and eighty-seven cents.

68. To Enoch W. Green, for repairing desks and putting on locks in senate chamber, two dollars and sixty-two cents.

69. To Jones & Corlies, for candles, crape, and sundries for Assembly, forty-eight dollars and forty-six cents.

70. To Daniel Fenton, for pen-holders, stamps, sand-boxes, &c., for Assembly, six dollars and seventy-five cents.

71. To Sherman & Harron, for printing pamphlets and bills for Assembly and Senate, sixteen hundred and sixty-five dollars and sixty-seven cents.

72. To Jane Ann Hartshorne, widow of James M. Hartshorne, deceased, one of the members elected to this legislature, one hundred and twenty-one dollars and fifty cents.

73. To Mrs. Lowrey, widow of John Lowrey, deceased, one of the members elected to this legislature, one hundred and twenty-one dollars and fifty cents.

74. To each of the members of the Senate and General Assembly, and the secretary of the senate and clerk of the House of Assembly, any sum not exceeding three dollars, for postage and newspapers during the session of this legislature.

75. To A. G. Cattell, for cash paid (as per receipt) for three hundred copies of Miss D. L. Dix's memorial to the legislature, agreeably to resolution, eighteen dollars.

76. To Franklin S. Mills, for balance on printing for the last session of the legislature, seven dollars.

77. To David Clark, for stationery for the use of Senate, per R. Shay, forty-seven dollars and thirty-seven cents.

78. To Franklin S. Mills, for balance on printing the proceedings of the convention to revise the constitution, forty-three dollars and twenty-seven cents.

79. To Joseph C. Potts, for services rendered relative to the late treasurer's accounts, agreeably to joint resolution of Council and Assembly, fifty dollars.

80. To Joseph W. Scott, for services rendered relative to the late treasurer's accounts, agreeably to joint resolution of Council and Assembly, fifty dollars.

81. To William Pearson, for locks and bolts for desks, &c., one dollar.

82. To C. Brearley, for locks, &c., for state house, one dollar and seventy-five cents.

83. To Franklin S. Mills, for twelve copies of the new con-

stitution of New Jersey, for the Senate, one dollar and eighty cents.

84. To Franklin S. Mills, for advertising Governor Haines' proclamation relative to the murder of G. A. Martins and proclamation relative to thanksgiving day, nine dollars.

85. To Francis A. Brognard, for services rendered as private secretary to the governor, during the present session of the legislature, seventy-five dollars.

Sec. 2. This act shall take effect immediately.

Approved, April 5, 1845.

JOINT RESOLUTIONS.

To prescribe a uniform mode of printing the enacting clause of the several laws of the present session.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The secretary of state be, and he is hereby directed, in preparing copies of the laws of the present session of the legislature, for the printers thereof, to make the enacting clause of each precede the sections, in manner following: Form of enacting clause.

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, as follows:

SEC. 1. &c."

Approved, March, 27, 1845

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

The treasurer of the state be, and he hereby is authorized to borrow from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding thirty thousand dollars, at a rate of interest not to exceed six per centum per annum. Treasurer authorized to borrow money.

Approved, April 3, 1845.

Relative to the apportionment of the annual appropriation for the support of common schools.

WHEREAS there has been a number of changes in the lines of several counties of this state within the past two years, Preamble.

which will materially affect the apportionment of the sum of thirty thousand dollars, to be made by "the trustees for the support of free schools," for the year one thousand eight hundred and forty-five, as directed by law—therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Mode of making annual apportionment.

The trustees for the support of free schools are hereby authorized and required, in the apportionment of the annual appropriation of the sum of thirty thousand dollars, for the support of public schools, as directed in an "Act to establish common schools," passed March first, one thousand eight hundred and thirty-eight, to apportion the same, for the year one thousand eight hundred and forty-five, in the ratio of the taxes paid for the support of the government of this state by the several counties, respectively, in the year eighteen hundred and forty-two, excepting the counties of Gloucester and Camden.

Approved, April 4, 1845.

To provide for the distribution of the journal of the convention that framed the constitution.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

Distribution of journals of convention.

The copies of the journal of the convention that framed the constitution, now deposited with the secretary of state, be disposed of as follows:

The governor of this state be, and he is hereby authorized and requested to transmit to the executive of each state and territory of the United States, for the use of the executives and legislatures of the respective states and territories, three copies.

There be distributed to the governor and chancellor, the judges of the supreme court and the court of errors, the secretary of state, the treasurer of the state, the attorney general, the clerk of the supreme court, and the clerk of the court of chancery, each, one copy; to the clerk and surrogate of each county, one copy; to each college and theological seminary of this state, three copies; to the members of the present legislature, and the secretary and clerk, and the engrossing clerks of the two houses, each, three copies for distribution; and that the remaining copies be deposited in the state library.

Approved, April 4, 1845.

Relative to removal of the obstructions to the navigation of
the river Passaic.

WHEREAS the bar at the junction of the rivers Passaic and Hackensack, in Newark bay, New Jersey, has obstructed and seriously affected the navigation and commerce upon said river Passaic; and whereas it is represented that, in the opinion of the engineers and surveyors of the general government, who have examined and made a survey and map of the Newark bay, and rivers emptying therein, the said obstruction can be removed with great facility, and by a reasonable expenditure—therefore,

Preamble.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, as follows:

In the opinion of this legislature, the removal of the said obstruction, and the protection of the navigation, by the erection of a suitable pier, or other proper means, are objects peculiarly deserving and claiming the attention of congress; and that it be recommended to congress to make the necessary appropriation for the purpose aforesaid.

Removal of obstructions recommended.

The governor of this state be requested to transmit a copy of the foregoing preamble and resolution to each of the senators and representatives in congress from New Jersey.

Approved, April 4, 1845.

To provide for printing three thousand copies of the laws regulating elections.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, as follows:

Three thousand copies of the election laws of this state (carefully digested by the secretary of state), with marginal notes, be printed in pamphlet form for general circulation in every township in the state; and that John T. Robinson be appointed to print the same, he being required to have them completed and deposited with the state treasurer in time for distribution with the journals of this legislature; *provided* the expense thereof shall not exceed the sum of one hundred and fifty dollars; and upon the receipt thereof by the treasurer, he is hereby authorized to pay for the same.

3000 copies of election laws to be printed.

Approved, April 4, 1845.

To provide for furnishing certain documents to the New Jersey Historical Society.

Preamble.

WHEREAS the New Jersey Historical Society have respectfully requested the legislature of this state to aid the same, by furnishing it with copies of the laws and journals, both state and colonial, so far as the same will not affect the interests and wants of the state, and to give the society access, by its secretary, to the office of the secretary of state (the prerogative files excepted) and other public offices of the state, for the purpose of copying, without paying office fees, such documents or records as the society may judge will promote the objects of its institution, and said request appearing reasonable and proper—therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey, as follows:*

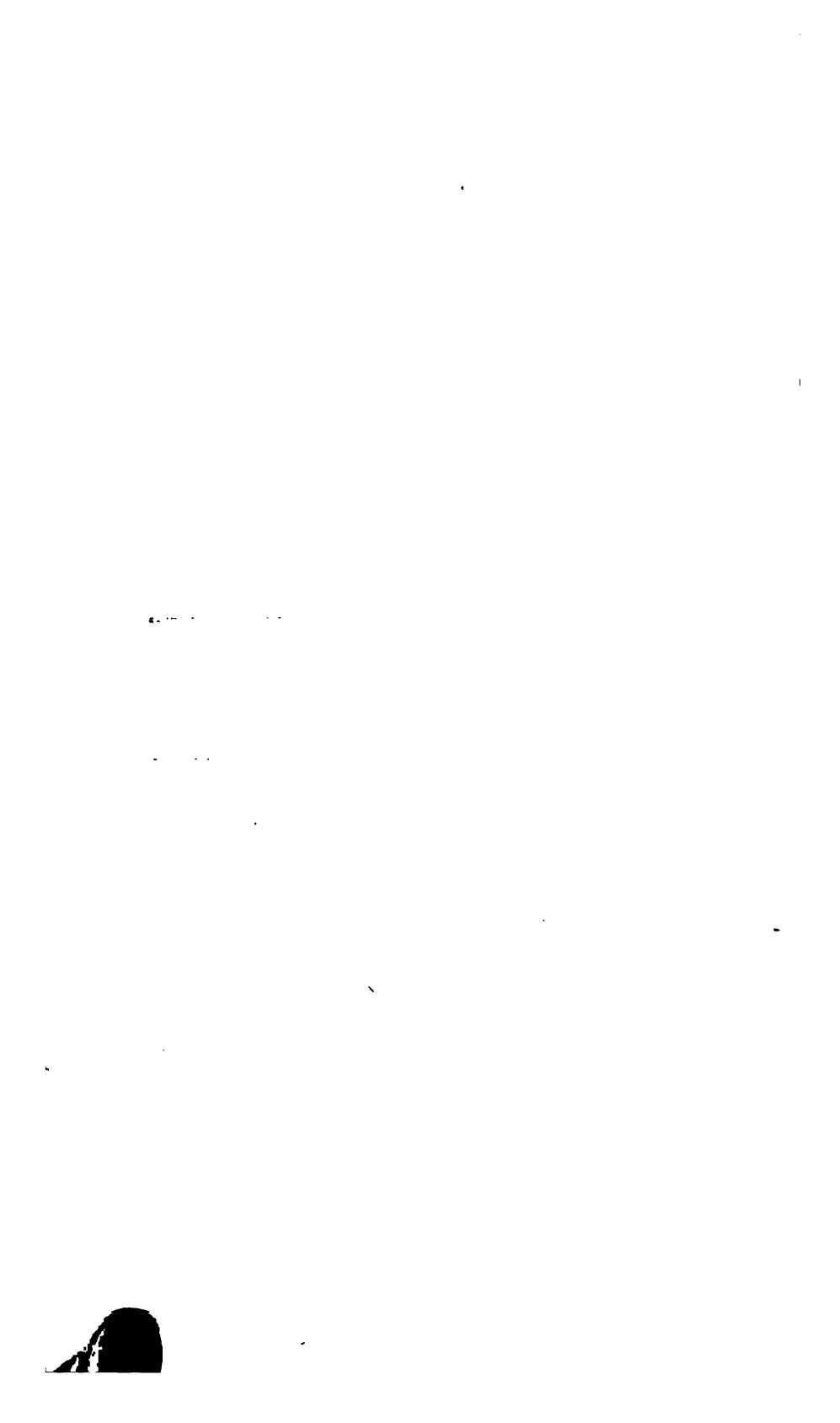
Certain documents to be furnished to society.

The governor, secretary, and librarian of this state be authorized and directed to furnish to the librarian of the New Jersey Historical Society, for the use of said society, one copy of the laws of the colony, one copy of the laws of the state of New Jersey, one copy of the journals of Council and Senate, one copy of the minutes of the General Assembly, from the organization of these bodies to the present time, so far as the same will not affect the interest and wants of the state; and that the secretary of said society have liberty to make such copies, for the use of said society, of any public documents or records remaining in the library or public offices (the prerogative office excepted) as the said secretary may deem useful to promote the objects of the society, without paying office fees.

Approved, April 5, 1845.

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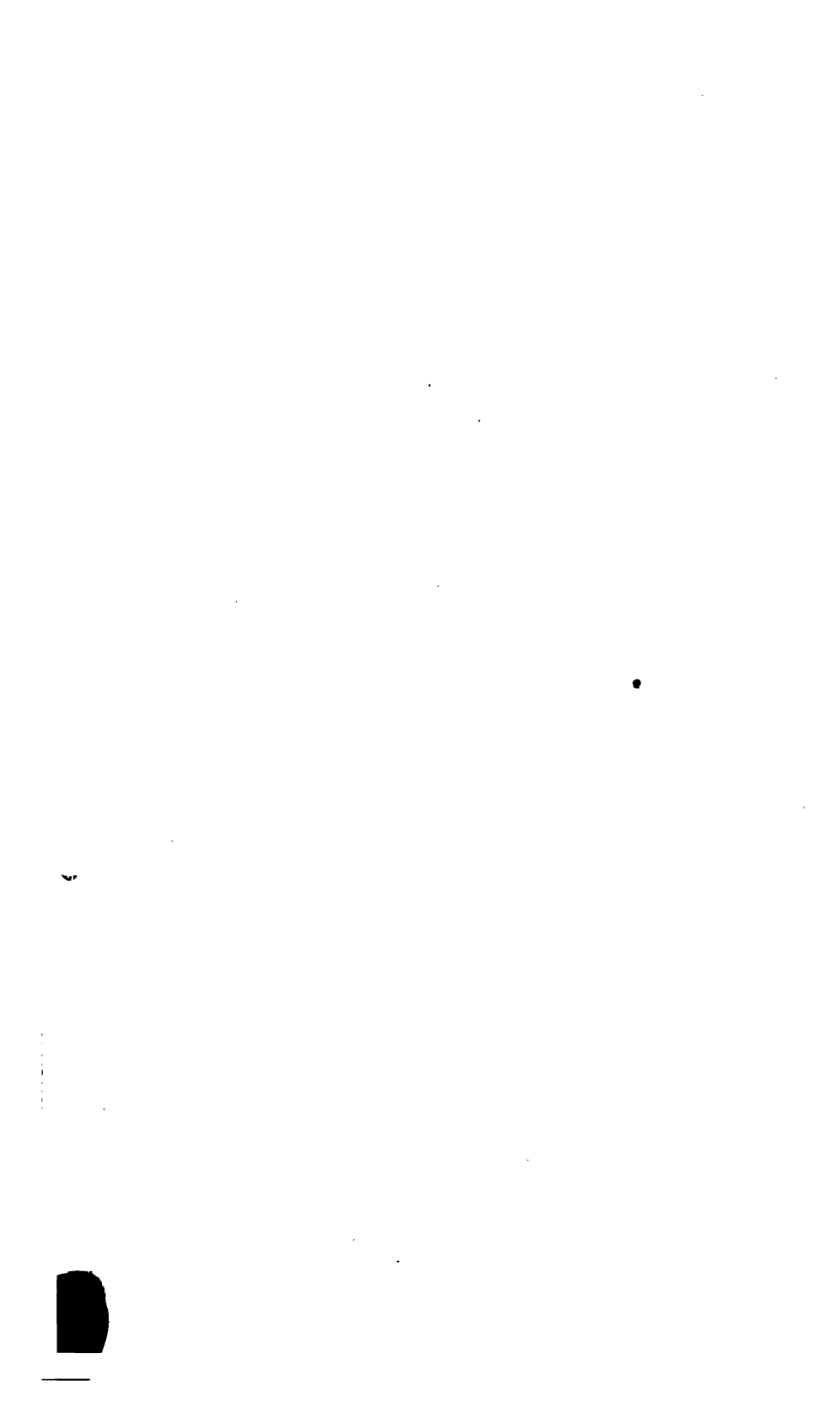
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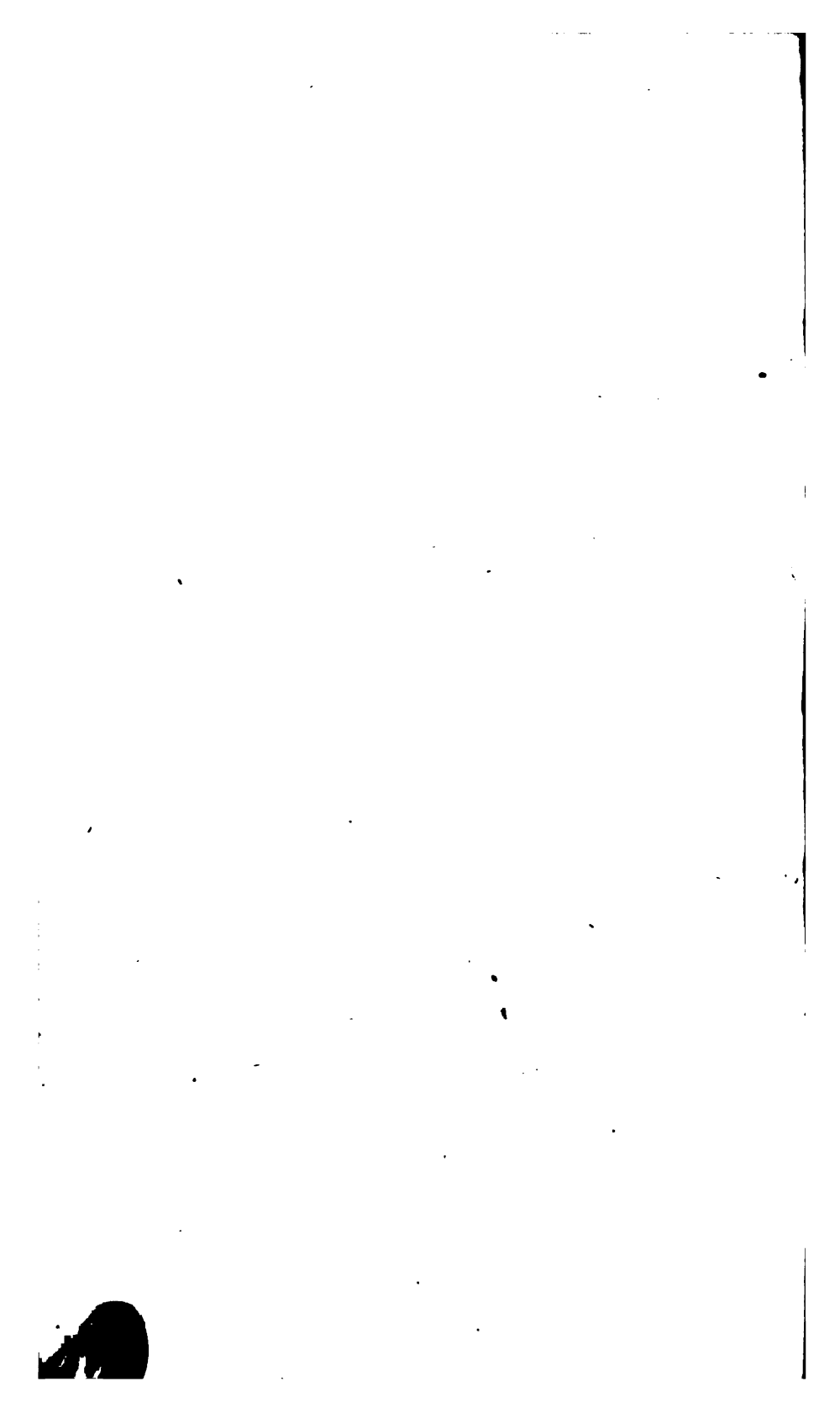
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ACTS
OF THE
SEVENTIETH LEGISLATURE
OF THE
STATE OF NEW JERSEY,
AND
SECOND SESSION UNDER THE NEW CONSTITUTION.



TRENTON:
PRINTED BY PHILLIPS & BOSWELL.
1846.



A C T S
OF THE
SEVENTIETH LEGISLATURE
OF THE
STATE OF NEW JERSEY.

AN ACT respecting highways in the township of Paterson, in the county of Passaic.

It being represented to the legislature, by the petition of inhabitants of Paterson, that public convenience requires an alteration in the laws respecting roads, as applicable to that township, and it appearing just and proper that their request in that matter should be granted—therefore,

Preamble.

1. **BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,** That the township committee of the township of Paterson, in the county of Passaic, shall be vested with and exercise, in their corporate name, all the powers, rights, privileges, and duties that the overseers of the highways in said township are now capable of exercising and performing; and shall have authority to regulate the streets and sidewalks, and to make and to enforce, by penalties, all ordinances necessary for the purposes aforesaid; and the members thereof shall be subject to the penalties existing against overseers for neglect of duties.

Powers and duties of township committee.

2. *And be it enacted,* That hereafter the inhabitants of said township shall not elect overseers of the highways in said township.

Inhabitants not to elect overseers.

3. *And be it enacted,* That this act shall go into operation on the day of the next annual town meeting in the said township.

Act, when to take effect.

Approved, January 29, 1846.

A further supplement to an act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," passed February twenty-fifth, eighteen hundred and twenty.

Writs of sci. fa.
may issue upon
liens filed, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful to issue a writ or writs of scire facias, either out of the circuit court or inferior court of common pleas of the county of Camden, upon any lien heretofore filed and recorded, in pursuance of the act, and supplements thereto, to which this is a further supplement.

Judgments
heretofore ob-
tained declared
valid.

2. *And be it enacted*, That all judgments heretofore obtained upon scire facias, issued out of the inferior court of common pleas of the county of Camden aforesaid, on any liens duly filed and recorded, shall be of equal force, validity, and effect as if the same had been obtained in the inferior court of common pleas of the county of Gloucester, in this state; and sales of property founded upon such judgment are hereby declared valid in law, and are confirmed accordingly.

Act, when to
take effect.

3. *And be it enacted*, That this act shall take effect immediately after it becomes a law.

Approved, January 29, 1846



A supplement to "An act relative to insurance companies," passed December twenty-sixth, eighteen hundred and twenty-six, and to an act to amend the same, passed March twenty-sixth, eighteen hundred and forty-five.

Rate of percent.
reduced.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sum of five per centum, directed by the third section of said original act to be paid, by way of tax, by persons making or effecting, or causing to be made or effected, any insurance by or on behalf of any foreign insurance company not incorporated by the laws of this state, is hereby reduced to two and a half per centum; and the said original act, and the said act to amend the same,

shall have the like force and effect as if the third section of said original act were modified accordingly.

2. *And be it enacted*, That the provisions of said act shall not extend to the premiums paid on policies of perpetual insurance, when the premiums on deposit money, or the principal part thereof, are by the terms of such policy liable to be reclaimed at any time by the insured.

Provisions of act not to extend to premiums on perpetual insurance.

3. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, January 29, 1846.

AN ACT to authorize Isaac W. Elwell to excavate marl from the public highway in the township of Stow Creek, county of Cumberland.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Isaac W. Elwell, of the township of Stow Creek, is hereby authorized and empowered to excavate the marl which lies in a public highway in said township, near the house of said Elwell, without let or hinderance from any person whatsoever, other than any person who may own the soil of such highway; *provided nevertheless*, that the said Isaac W. Elwell shall not enter upon the excavation until he shall have prepared a lateral road, as near as may be convenient to the before mentioned public highway, nor until he shall have given satisfactory security unto the township committee of Stow Creek, that said township shall be at no expense about the same; and that he will keep such lateral road in good order and repair for travelling, until the highway shall be returned to its present position, and, also, that the public highway shall be returned to its present position; in good order for travelling, in three years from the time the excavation shall commence.

I. W. Elwell authorized to excavate marl.

2. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, February 3, 1846.

AN ACT to authorize the minister, elders, and deacons of the Reformed Dutch Church in Harlingen, in the county of Somerset, to sell and convey certain real estate.

Preamble.

WHEREAS it has been represented, that the minister, elders, and deacons of the Reformed Dutch Church and Congregation in Harlingen, in the county of Somerset, have been, and still are the owners and possessors of a certain tract of land or farm, situate in the townships of Montgomery and Hillsborough, in said county, known as the parsonage farm, bounded by lands of Peter Labagh, John R. Stryker, Court Sutphen, and others, containing one hundred and sixty acres; and whereas the said minister, elders, and deacons of the said church and congregation, believing that the interest and prosperity of the said church would be promoted by the sale of the said farm, have, with the concurrence, and according to the recommendation of the said congregation, petitioned the legislature to pass a law for that purpose—therefore,

Minister, &c.,
authorized to
sell real estate.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the minister, elders, and deacons of the Reformed Dutch Church in Harlingen, in the county of Somerset aforesaid, are hereby authorized and empowered, in their corporate name and capacity, to make sale and conveyance of the aforesaid farm, or any part thereof, for the best price that can be obtained for the same, and to execute good and sufficient deed or deeds for the same.

Proceeds of sale
to be invested.

2. And be it enacted, That the said minister, elders, and deacons of the said church and congregation aforesaid, shall, in their corporate name and capacity, safely invest the proceeds arising from such sale or sales in bond and mortgage, and apply the interest thereof to the support of the minister of said church, as the profits and rents of said farm are now applied, and to no other purpose whatsoever; *provided*, that in case it may at any time be deemed advisable, they may apply a part of the said proceeds to purchase a small and more convenient parsonage for the use of the minister of said church.

Statement of
proceedings to
be made.

3. And be it enacted, That the said minister, elders, and deacons shall, within one month after such sale or sales, make a full statement in writing of all their proceedings relating thereto; which statement they shall cause to be read at a public meeting of the said congregation, to be by them duly called for the purpose, and also to be entered at length on the minutes of the said corporation.

Approved, February 6, 1846.

A further supplement to the act entitled, "An act to incorporate the Paterson and Hamburg Turnpike Company," passed the third of March, eighteen hundred and six.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the directors of the Paterson and Hamburg Turnpike Company be, and they are hereby authorized and empowered to alter the course of the Paterson and Hamburg Turnpike road, so as to run from the top of the mountain, south-east from Hamburg, in the county of Sussex, near Hamilton's bog meadow, about a south-easterly course, to the road leading from Snufftown to the Franklin furnace; then to follow the course of the old road to Snufftown, as far as may be deemed expedient; and that they be also authorized and empowered to alter the course of said road, so as to run from near Hennion's bridge, in the county of Passaic, around the foot of the hill to near the house of Henry A. Vreeland; *provided*, that the said directors shall first obtain the consent of the owners of the land over which the alterations in the said road may run; *and provided also*, that the said directors shall cause maps and surveys of the said alterations to be made and filed in the offices of the clerks of the counties of Sussex and Passaic; *and provided also*, that the said directors shall not put up, or cause to be put up, any gate on that part of the said turnpike which follows the course of the old Franklin and Snufftown road.

Directors authorized to alter the course of road.

Proviso.

2. *And be it enacted*, That the said turnpike road, as at present located, between the points where the routes of the same, as altered, shall be vacated when and as soon as the alterations aforesaid are made.

Former road to be vacated.

3. *And be it enacted*, That the directors of said turnpike road be, and they are hereby authorized and empowered to cause a map to be made of their said turnpike road, from the survey now on file in the office of the secretary of state, or a certified copy thereof; and that said map, when made and filed in the office of the secretary of state, shall have the same force, effect, and validity as the map directed to be made and filed in and by the act to which this is a supplement could or would have.

Map of road to be made and filed.

4. *And be it enacted*, That the account of receipts and expenditures of said company, filed with the secretary of state, be deemed and taken, and have the like force and effect, as the accounts required to be filed by the directors at the end of every ten years, in and by the act to which this is a supplement, would or could have; and that no forfeiture or disability shall arise or accrue to the said Paterson and Hamburg Turn-

No forfeiture to accrue for want or loss of original map.

pike Company by reason of the want or loss of the said original map, and of the oath required by the act to which this is a supplement, to be taken and filed by the commissioners who located the said turnpike road, or for or by reason of the neglect to file the accounts required to be filed at the end of every ten years, in and by the act aforesaid.

Directors authorized to erect gates.

5. *And be it enacted*, That the directors of said company be, and they are hereby authorized and empowered to erect two gates on six miles of said road, between Pompton and Paterson, where they may be deemed expedient, subject to be removed at the orders of the directors of said company, and to ask and receive the same amount of toll that they may be entitled to receive at one gate, as authorized in and by the act to which this is a supplement; and that all the provisions of the last mentioned act shall apply to and extend to the gates authorized, and which may be erected under and by virtue of this act.

Approved, February 6, 1846.

AN ACT for the relief of Thomas Goltrey, of the county of Somerset.

Pension of \$60 per annum to T. Goltrey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is authorized and required to pay to Thomas Goltrey, of the county of Somerset, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made the first day of March next; and the receipt of the said Thomas Goltrey, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved, February 6, 1846.

AN ACT to incorporate the New Jersey Historical Society.

Preamble.

WHEREAS the persons herein after named, and others, have formed themselves into an association, under the name and

title of "the New Jersey Historical Society," the object of which society is "to discover, procure, and preserve whatever relates to any department of the history of New Jersey, natural, civil, literary, or ecclesiastical, and generally of other portions of the United States;" and whereas the said society has, by its executive committee, presented a memorial to the legislature, praying for an act of incorporation, that the purposes of said society may be the more effectually subserved—therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Daniel V. McLean, Peter D. Vroom, Eli F. Cooley, Amzi C. McLean, Richard S. Field, Stacy G. Potts, Henry W. Green, Aaron A. Marcelus, Nicholas Murray, William P. Robeson, William B. Kinney, Thomas Gordon, James T. Sherman, William A. Whitehead, George W. Doane, and their associates, who now are, and such other persons as shall hereafter become members of the said society, shall be, and are hereby ordained, constituted, and declared a body corporate and politic, by the name of "the New Jersey Historical Society;" and that, by that name, they and their successors for ever hereafter shall and may have succession, and, by the same name, be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, in all manner of actions, suits, complaints, and matters whatsoever; and that they and their successors may have a common seal, and the same break, alter, change, and renew at their pleasure; and, by the same, shall be for ever hereafter capable in law to purchase, take, hold, receive, and enjoy, to them and their successors, any lands, tenements, hereditaments, goods, chattels, or estate, real or personal, of whatever nature or quality, in fee-simple, for life or lives, or for years, or in any other manner whatsoever; *provided always*, that the yearly income or value of the said real or personal estate, or both, do not at any time exceed the sum of two thousand dollars.

Names of corporators.

Style.

2. And be it enacted, That they and their successors shall, by the same name, have power and authority to give, grant, bargain, sell, demise, release, and convey to others the whole or any part of such real or personal estate, on such terms and in such manner and form as the said society may deem eligible to subserve and promote the purposes and design of said society; and that they and their successors shall have power, from time to time, to abolish any of the offices or appointments herein after mentioned, and create others in their room, with such powers and duties as they may think fit to confer and prescribe, and shall have power, from time to time, to make, constitute, and ordain such constitution, by-laws, ordinances,

General powers.

and regulations as they shall judge proper for the election of officers, the election and admission of new members, for the government and regulation of the officers and members, for fixing the times and places of the meetings of the said corporation, and the same, from time to time, to alter, change, repeal, revoke, and annul, at their pleasure; and that the constitution and by-laws, rules and regulations, of the society heretofore made and adopted, and now existing, shall and may remain in force until altered or repealed by the said corporation; *provided*, that such by-laws and constitution, made, or to be made, by the said corporation, shall not be repugnant to the constitution and laws of the United States or of this state.

Act to be a public act.

3. *And be it enacted*, That this act shall be, and is hereby declared to be a public act, and shall be construed most favourably to promote the purposes and designs of the said society; and that no misnomer of the said corporation, in any deed, will, testament, gift, grant, demise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided* the said corporation shall be sufficiently described to show the intention of the parties.

Limitation. Proviso.

4. *And be it enacted*, That this act shall be and remain in full force until the year of our Lord one thousand nine hundred; *provided nevertheless*, that in case the aforesaid society shall at any time appropriate their, or any part of their funds to any purpose or purposes other than those contemplated by this act; and shall be thereof convicted by due course of law, that thenceforth the said corporation shall cease and determine, and the estate, real and personal, whereof it may be seized and possessed shall vest in the people of this state.

Approved, February 6, 1846.

AN ACT to set off from the townships of Stafford and Dover, in the county of Monmouth, a new township, to be called the township of Union.

Boundaries of township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Stafford and Dover, in the county of Monmouth, lying within the following boundaries, that is to say: beginning at the sea, and running first a due west course to the southerly point of

Harvest-point; thence north, forty-five degrees west, crossing the bay to the main meadows; thence north-easterly, along the edge of the same, to the north of Gunning river; thence up said river, its various courses, to the north of Fresh creek; thence up said creek, its various courses, to the north line of a tract of land known as the Fresh creek lot, now owned by the heirs or devisees of Samuel G. Wright, deceased, and others; thence westerly, along said line, to the westerly end thereof; thence north, fifty-two degrees and fifty minutes west, along a line, known as the Ogden line, to a stone, being the second corner of a tract of land, known as the Ogden tract, standing on a course north, ten degrees and twenty-one minutes east, eight chains and seventy-five links, from a large stone standing on Par's cabin knoll; thence north-westerly to the north-west corner of a tract of land that Joseph W. Pharo purchased of the executors of Samuel Pharo, deceased; thence north, fifty degrees west, one hundred and eight chains and twenty-seven links, to a stone in the west line of Sunman's patent; thence north, seventy degrees west, to the Burlington county line; thence, up and along said county line, to intersect with a due west course from the head of the main southerly branch of Cedar creek, known as Factory branch; thence a due east course to the head of said Factory branch; thence down and along said branch and creek to the bay; thence a due east course to the sea; thence southerly, along the edge of the same, to the beginning, is hereby set off from the said townships of Stafford and Dover, and erected into a separate township, to be called and known by the name of "the township of Union."

2. *And be it enacted*, That the inhabitants of the said township of Union are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of Union, in the county of Monmouth," shall be vested with and entitled to all the rights, power, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Monmouth.

Township incorporated.

3. *And be it enacted*, That the inhabitants of the township of Union shall hold their first annual town meeting at the public house now kept by Benjamin Predmore, in the village of Waretown, on the day appointed by law for holding the annual town meetings in the other townships of the county of Monmouth, and afterwards at such place in the township of Union as the said inhabitants shall determine, in the manner prescribed by law.

Time and place of holding first town meeting.

4. *And be it enacted*, That all paupers who may be chargeable to the said townships of Stafford and Dover, at the time when this act shall go into operation, shall thereafter be charge-

Settlement of paupers.

able to, and supported by that township within the bounds of which they have acquired their settlements respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the said townships of Stafford and Dover, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Union, Stafford, and Dover, within the bounds of which they respectively resided at the time of acquiring their settlements.

Allotment of
property.

5. *And be it enacted*, That the poor-house farm, and all other real and personal property now belonging to the said township of Dover, shall hereafter belong to the townships of Union and Dover, in proportion to the number of inhabitants residing within the limits of each, and who are now residents in the township of Dover, according to the last census, and shall be owned and held by them in common; all the real and personal property now belonging to the township of Stafford shall hereafter belong to the townships of Union and Stafford, in the same proportion and manner as above mentioned and described.

Committee to
allot and divide
property.

6. *And be it enacted*, That the township committees of the said townships of Stafford, Dover, and Union shall meet on the fourth Monday in April next, at ten o'clock in the forenoon, at the house of Benjamin Predmore, in the township of Union, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and moneys on hand or due, in proportion to the number of inhabitants residing within the limits of each, and who are now resident within the respective limits of the said township, according to the last census; and shall also ascertain and determine which of the paupers now supported by the townships of Stafford and Dover shall have their residence in that part of said townships hereby set off as the township of Union, and may adjourn from time to time, and to such time and place, as a majority of those assembled may think proper; and the inhabitants of the said township of Union shall be liable to pay their just proportion of the debts, if any there should be, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committees shall neglect or refuse to meet, as aforesaid, those assembled may proceed to make the said division; and the decision of a majority of those present shall be final and conclusive.

Township com-
mittee of Union
to release right,
&c.

7. *And be it enacted*, That the township committee of the said township of Union shall have power, and they are hereby authorized and empowered, to sell and release to the said townships of Stafford and Dover, respectively, all the right, share,

and interest of the said township of Union in and to the property, both real and personal, now belonging to the said townships, respectively, or any part thereof, for such sum or sums as may be agreed upon by the committees of the townships interested, and to make and deliver good and sufficient deed or deeds for the same.

8. *And be it enacted*, That nothing in this act contained shall be construed to impair or in any wise affect the rights of the said township of Union in and to any portion of the surplus revenue of the general government, to which the said township may now or at any time hereafter be entitled, in the distribution of said surplus revenue. Rights of township of Union to surplus revenue not impaired.

9. *And be it enacted*, That this act shall take effect on the second Tuesday of March next. Act, when to take effect.

Approved, February 7, 1846.

AN ACT giving the assent of this state to the act of the legislature of Pennsylvania entitled, "Supplement to an act authorizing the incorporating of the Easton Water Company," passed March twenty-fourth, eighteen hundred and seventeen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assent of this state be, and the same is hereby given to the second section of the act of the legislature of the state of Pennsylvania entitled, "Supplement to an act authorizing the incorporating of the Easton Water Company," passed the fifteenth day of January, in the year of our Lord one thousand eight hundred and forty-six; and said second section is hereby adopted, ratified, and confirmed by this state, and the provisions thereof shall be in full force and effect in this state, and said section shall be annexed to, and published with this act; and the governor shall transmit an attested copy of this act to the governor of the commonwealth of Pennsylvania. Assent of the state to act of the legislature of Pennsylvania.

Supplement to "An act authorizing the incorporating of the Easton Water Company," passed March twenty-fourth, eighteen hundred and seventeen, passed by the legislature of

Pennsylvania, on the fifteenth day of January, in the year of our Lord one thousand eight hundred and forty-six.

SEC. 2. That said company is hereby authorized to construct a wing-wall and dam in the river Delaware, at any point north of the confluence of said river and the Bushkill creek and the northern line of the borough of Easton, from the western shore of said river to the western shore of a small island called Easton Island, a distance of about one hundred feet, and to construct such other works, reservoirs, connecting pipes, conduits, and machinery, in or adjacent to said river, and in or adjacent to said borough, under the provisions of the act to which this is a supplement, as may be necessary for pumping, conducting, retaining, and supplying a sufficiency of water to the inhabitants of said borough; *provided*, that the construction authorized by this act shall be so made as not in any way to obstruct or impair the navigation of said river; nor shall any water be withdrawn from said river for the purpose of creating water-power for propelling machinery for manufacturing purposes; *and provided also*, that said company shall not withdraw any water from the river Delaware, excepting for the purposes mentioned in this act.

Approved, February 11, 1846.

AN ACT to confirm the last will and testament of Berret Havens, late of the county of Sussex, deceased.

Preamble.

WHEREAS it appears to the legislature, that Doct. Berret Havens, late of the county of Sussex, deceased, departed this life on the twenty-third day of December, in the year of our Lord one thousand eight hundred and forty-five, seized and possessed of a handsome real estate in the said county of Sussex, and of a large personal estate, having first made and executed his last will and testament in writing, bearing date the twelfth day of July, in the year of our Lord one thousand eight hundred and thirty; and it appearing, by the said will, that having disposed of almost all his personal estate among his collateral relatives, the said testator did give and devise to James C. Havens, his son, certain real estate, therein mentioned, but that, by reason of the said will having been attested in the presence of two witnesses only, it is insufficient to pass real estate; and whereas

the heirs-at-law, legatees, and other persons interested in the said estate, together with the executors of the said will, have petitioned the legislature to aid them in giving effect to the clearly expressed intention of the said testator, by confirming the said will, and it appearing to be just and reasonable that the intentions of the said testator should not be defeated—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said last will and testament of the said Berret Havens, late of the township of Wantage, in the county of Sussex, deceased, bearing date on the twelfth day of July, in the year of our Lord one thousand eight hundred and thirty, and the several bequests and devises therein contained, be confirmed in all things; and that the same are hereby declared to be as good, valid, and effectual in law as if the said last will and testament had been signed and published by the said testator in the presence of three subscribing witnesses, in the manner prescribed by law. Will of B. Havens confirmed.

Approved, February 12, 1846.

A further supplement to an act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first of February, seventeen hundred and ninety-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants who are or shall be qualified by law to vote at town meetings in the county of Cape May, shall have full power, and they are hereby directed and required, to assemble and hold town meetings in the respective townships in said county, on the first Tuesday in March annually. Time of holding annual town meetings.

2. *And be it enacted*, That so much of the third section of the act to which this is a supplement, as relates to the county of Cape May, is hereby repealed. Part of former act repealed.

3. *And be it enacted*, That this act shall go into effect immediately. Act, when to take effect.

Approved, February 18, 1846.

AN ACT concerning corporations.

Powers of corporations.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That every corporation, as such, shall be deemed to have power—

1. To have succession, by its corporate name, for the period limited in its charter, and when no period is limited, perpetually, except so far as the constitution otherwise provides concerning banks or money corporations;

2. To sue and be sued, complain and defend, in any court of law or equity;

3. To make and use a common seal, and alter the same at pleasure;

4. To hold, purchase, and convey such real and personal estate, as the purposes of the corporation shall require, not exceeding the amount limited in its charter;

5. To appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation;

6. To make by-laws, not inconsistent with the constitution or laws of the United States or of this state, for the management of its property, the regulation of its affairs, and for the transfer of its stock.

2. And be it enacted, That the powers enumerated in the preceding section shall vest in every corporation that shall hereafter be created, although they may not be specified in its charter, or in the act under which it shall be incorporated.

3. And be it enacted, That in addition to the powers enumerated in the first section of this act, and to those expressly given in its charter, or in the act under which it is or shall be incorporated, no corporation shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated and given.

Corporation not to exercise banking powers, unless expressly authorized.

4. And be it enacted, That no corporation, created or to be created, shall, by any implication or construction, be deemed to possess the power of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying gold or silver bullion or foreign coins, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, upon loan or for circulation as money, unless such corporation is or shall be expressly incorporated for banking purposes, or unless such powers are or shall be expressly given in its charter.

Stockholders to pay their pro-

5. And be it enacted, That where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each

stockholder shall be bound to pay on each share held by him the sum necessary to complete the amount of such share, as fixed by the charter of the company, or such proportion of that sum as shall be required to satisfy the debts of the company.

portion of sum necessary to discharge debts of company.

6. *And be it enacted*, That the charter of every corporation which shall hereafter be granted by the legislature, shall be subject to alteration, suspension, and repeal, in the discretion of the legislature.

Charter may be altered, &c.

7. *And be it enacted*, That it shall not be lawful for the directors of any bank, or moneyed or manufacturing corporation in this state, to make dividends, except from the surplus profits arising from the business of the corporation, nor to divide; withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the said corporation, nor to reduce the said capital stock without the consent of the legislature; and in case of any violation of the provisions of this section, the directors under whose administration the same may happen shall, in their individual and private capacities, jointly and severally, be liable to the said corporation, and to the creditors thereof, in the event of its dissolution or insolvency, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, with legal interest on the same from the time such liability accrued; *provided*, that any of the said directors who may have been absent when the same was done, or who may have dissented from the act or resolution by which the same was done, may respectively exonerate themselves from such liability, by causing their dissent to be entered at large on the minutes of the said directors, at the time the same is done, or forthwith after they shall have notice of the same, and by causing a true copy of the dissent so entered on the minutes to be published, within two weeks after the same shall have been entered on said minutes, in some public newspaper published in the county where the said corporation has its office or place of business; and if none be published in such county, then in a newspaper printed in an adjoining county, and circulating in the neighbourhood of such office or place of business of said corporation; and *provided also*, that this section shall not be construed to prevent a division and distribution of the capital stock of the corporation, which shall remain after the payment of all its debts, upon the dissolution, of the corporation or the expiration of its charter.

Directors of banks not to divide capital stock.

Penalty.

Proviso.

8. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, February 14, 1846.

A supplement to "An act to set off from the township of South Amboy, in the county of Middlesex, a new township, to be called the township of Monroe," passed February twenty-third, eighteen hundred and thirty-eight.

Boundaries of township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the river Matchaponix shall remain the north and north-easterly boundary line of the township of Monroe, in the county of Middlesex, to the point at which the stream of water, or brook, known by the name of the Reedy bog run empties into said Matchaponix river, at the beginning corner of the lands of Charles Abraham; thence the northerly boundary line of said township shall follow the course of the said Reedy bog run till it reaches the road leading from Englishtown to Old bridge; thence, up said road, to the division line between the counties of Middlesex and Monmouth, the residue of said township line remaining as heretofore by said act provided.

Part of former act repealed.

2. *And be it enacted*, That that part of said act to which this is a supplement, which is inconsistent with this act, is hereby repealed.

Act, when to take effect.

3. *And be it enacted*, That this act shall take effect immediately.

Approved, February 14, 1846.

AN ACT for the relief of Asher Hart, of the county of Mercer.

Pension of \$60 per annum to A. Hart.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is authorized and required to pay unto Asher Hart, of the county of Mercer, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made the first day of March next; and the receipt of the said Asher Hart, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved, February 14, 1846.

A supplement to an act entitled, "An act to release to Betsey Cook the right and title of the state of New Jersey to certain land and premises in the township of Saddle River, in the county of Bergen," approved April second, eighteen hundred and forty-five.

WHEREAS it is stated in the title, preamble to, and first section of the act to which this act is a supplement, that the land and premises therein mentioned are situate in the township of Saddle River, in the county of Bergen; and whereas said land and premises, to which the right and title of the state of New Jersey were by said act intended to be released, are situate in the township of Lodi, in said county, and not in the township of Saddle River—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid act be construed as if the word Lodi were substituted for the words "Saddle River," in the title, preamble to, and first section of said act; and said title, preamble, and first section are modified accordingly, anything therein contained to the contrary in any wise notwithstanding. Preamble.
Part of former act modified.

2. *And be it enacted*, That the legal title in fee-simple to said land and premises shall vest in the said Betsey Cook, her heirs and assigns, as soon as the administrator, named in the act to which this is a supplement, shall execute and deliver to her a deed for the same. Title vested in Betsey Cook..

Approved, February 16, 1846.

AN ACT for the relief of Elizabeth Weatherby, of the county of Burlington.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Elizabeth Weatherby, widow of William Weatherby, a soldier of the Revolutionary war, or her order, thirty dollars per annum during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made on the tenth day of March, eighteen hundred and forty-six. Pension of \$30 granted to E. Weatherby..

Approved, February 16, 1846.

AN ACT to incorporate the Gloucester Land Company.

Preamble.

WHEREAS it is represented to the legislature, that John Rodman Paul, Callender Price, Thomas S. Newlin, Benjamin Marshall, John Siter, Richard Price, Joseph Price, junior, Richard Ashhurst, Lewis R. Ashhurst, John Ashhurst, John R. Worrell, James C. Worrell, Gideon Scull, David S. Brown, Robert F. Walsh, Benjamin T. Tredick, William Woodnutt, Charles W. Churchman, Mordecai D. Lewis, Robert Wharton Sykes, Thomas Sparks, and Samuel R. Simmons are the owners of a tract of land, containing about one hundred and fifty acres, situated on the river Delaware, at Gloucester Point, in the township of Union, in the county of Camden, New Jersey, and have laid out the same into building lots, streets, and sites for manufacturing purposes, with the view of erecting a town, to be called "Gloucester;" and already there have been established two large steam cotton manufactories, and other manufactories, and lots have been sold, upon which about one hundred substantial stores and dwelling-houses are now built, and they intend to sell building lots to all who are disposed to purchase in said town; and whereas it is indispensable that no obstacle should exist to the making of good and sufficient titles for said lots, by reason of death or other causes affecting the individuals now owning said land—therefore,

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Rodman Paul, Callender Price, Thomas S. Newlin, Benjamin Marshall, John Siter, Richard Price, Joseph Price, junior, Richard Ashhurst, Lewis R. Ashhurst, John Ashhurst, John R. Worrell, James C. Worrell, Gideon Scull, David S. Brown, Robert F. Walsh, Benjamin T. Tredick, William Woodnutt, Charles W. Churchman, Mordecai D. Lewis, Robert Wharton Sykes, Thomas Sparks, Samuel R. Simmons, and their successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "the Gloucester Land Company;" and, by that name, shall have perpetual succession, and be capable in law of purchasing, for the use of said company, and of holding and conveying such real and personal property as may be necessary for the objects of this incorporation; may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity; and may receive and make all deeds, conveyances, grants, transfers, covenants, contracts, agreements, and bargains, whatsoever, necessary for the said purposes; and may have and use a common seal, which they

Style of incorporation and general powers.

shall have power to renew and alter at pleasure; and, generally, do any act or thing necessary to carry into effect the provisions of this act, and promote the objects and designs of said company, as authorized by this act.

2. *And be it enacted*, That the stockholders of said company shall meet annually, on the second Monday of May, at Gloucester, two weeks' previous notice of the time and place of meeting having been given in a newspaper published in the county of Camden, and shall then and there proceed to elect, by ballot, such number of directors as their by-laws shall direct, to serve for the term of one year and until others are chosen in their places; and said election shall be made by such of the stockholders of said company as shall attend for that purpose, either in person or by proxy, each share of stock to entitle the holder thereof to one vote; the directors so chosen shall elect one of their number to be president of the board of directors of said company, and, in case of vacancy or absence, the office shall be filled by such person or persons as the remainder of the directors, or a majority of them, may appoint; if an election shall not be held at the time so appointed, it may take place at any future time, on the like notice.

Time and mode
of annual elec-
tion for direct-
ors.

3. *And be it enacted*, That the stockholders may meet at any time after the passage of this act (due notice in writing having been previously given to each stockholder), for the purpose of organizing said company, and of electing directors, to hold their office until the annual meeting on the second Monday of May next, or until others shall be chosen in their places.

Meeting for
election of first
directors.

4. *And be it enacted*, That, so soon as the said company shall be organized, the said John Siter and Samuel R. Simmons, who now hold the same in trust for the owners, shall convey to the said company, by their corporate name, the residue of said lands unsold, and shall assign and transfer to the said company all bonds, mortgages, or other securities held by them, and pay over all moneys received by them for lands sold, first deducting therefrom all costs and expenses attending such sales; and the said company are hereby authorized to purchase and hold such lands adjoining the above described premises, which, by forming angles and projections into their plot, mar the regularity and beauty of the whole, and such lands as may be necessary to reclaim portions of their property now flooded by the tide; *provided* the lands to be purchased shall not exceed thirty acres in the whole.

Trustees to
convey lands,
&c., to compa-
ny.

5. *And be it enacted*, That the said company are authorized to improve the above described premises, and any other lands

Company au-
thorized to lay
out lots, &c.

hereby authorized to be purchased, by laying out the same in lots, streets, squares, blocks, lanes, alleys, or other divisions, and levelling, raising, and grading streets; and they shall have liberty to fill up, occupy, possess, and enjoy all lands covered with water fronting and adjoining the premises, that may now be owned, or may hereafter be purchased by them, and may construct thereon wharves, harbours, piers, slips, or other structures necessary for commercial and shipping purposes.

Powers of directors.

6. *And be it enacted*, That the directors shall have full power to make by-laws, and to appoint such officers and agents as they shall deem expedient for the well conducting and transacting the business of the company, to declare and provide for the payment of dividends to the stockholders, and in general to superintend the business and concerns of the company; *provided* such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Amount of capital stock.

7. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, to be divided into shares of one thousand dollars each, and shall be deemed personal property, transferable only on the books of the company, in such manner as the by-laws shall direct; and nothing herein contained shall be construed to restrict the legislature from imposing any tax upon the property of the company; and no part of the capital stock shall be used for banking purposes, or for any other purposes not clearly indicated by this act.

Deeds to contain restrictions

8. *And be it enacted*, That the deeds to be made by the company, for property hereafter to be sold, shall each contain a clause prohibiting the making, selling, or vending malt or spirituous liquor, similar to the clause contained in the deeds for lots heretofore sold by the said John Siter and Samuel R. Simmons.

Proceeds of sales to be invested.

9. *And be it enacted*, That the proceeds of all sales of lands shall be invested in bonds and mortgages, or other securities, until they shall amount to fifty thousand dollars, after which, the interest arising from said investment, together with the further proceeds of the sales of lots, may be divided among the stockholders, until the said land is all disposed of, after which the capital stock shall be divided among the stockholders, and this charter shall cease and determine; *provided* no division of the capital stock shall be made until all the debts of said company shall be paid.

Limitation.

10. *And be it enacted*, That this act shall not continue in force longer than twenty years, and the legislature may alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved, February 16, 1846.

AN ACT for the relief of Merick Martin, of the county of Middlesex.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is authorized and required to pay Merick Martin, of the county of Middlesex, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made the first day of April next; and the receipt of the said Merick Martin, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Pension of \$60
granted to M.
Martin.

Approved, February 16, 1846.

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AN ACT to incorporate the Croton Manufacturing Company at Springfield, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Wright, John H. Stephens, Joel W. Condit, William Pierson, Samuel Condit, and such other persons as may hereafter be associated with them, and their successors, are hereby constituted a body politic and corporate, in fact and in name, by the name of "the Croton Manufacturing Company of Springfield, New Jersey," to be located in the township of Springfield, in the county of Essex, for the purpose of manufacturing furs, woollen and cotton goods; and generally all articles manufactured from all or either of those articles, and to rent and sell water-power; and, by the same name, they and their successors shall be capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; and they and their successors, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, and estate, real and personal, of whatever kind and quality soever, within the said township of Springfield, necessary or useful for creating water-power and for the aforesaid manufacturing operations, and all other real estate mortgaged to said corporation by way of security, or

Names of incorp-
orators.

Style and gene-
ral powers.

conveyed to them in satisfaction of debts contracted or purchased at sales upon judgments or decrees obtained for debts due, and the same to sell, mortgage, and dispose of at pleasure.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct; and books of subscription to the capital stock of said corporation shall be opened by the above named persons, or a majority of them, at the house of David Jones, innkeeper, in the township of Springfield, in the county of Essex, at such time or times as they, or a majority of them, may think proper, they first giving thirty days' notice of the opening of said books in one or more of the newspapers published in the county of Essex; and at the time of subscribing for such stock, five dollars on each share subscribed shall be paid; as soon as five hundred shares of the said capital stock shall have been subscribed and paid for, as aforesaid, the above named persons, or a majority of them, shall give notice, by public advertisement in two of the newspapers printed in the county of Essex, at least ten days, for a meeting of the stockholders to choose five directors, three of whom, at least, shall be citizens and residents of this state, each share of the capital stock entitling the holder thereof to one vote; and said election shall be made by such of the stockholders as attend for that purpose, either in person or by proxy; and the persons having the greatest number of votes at all elections, being stockholders in said corporation, shall be directors, and shall hold their offices for one year or until others are elected; and annually thereafter, the stockholders shall meet to elect directors, upon notice given as aforesaid.

Powers and duties of directors.

3. *And be it enacted*, That the directors, or a majority of them, shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said corporation by instalments, not exceeding ten dollars on each share at any one time, at such times as they may direct, giving at least two weeks' notice of the payment of each instalment, by advertisement in one of the newspapers printed in the county of Essex; and in case of the non-payment of the said instalments, or any of them, by the stockholders, all previous payments shall be forfeited; and the said directors, or a majority of them, may make such rules, by-laws, and regulations, not repugnant to the constitution or laws of this state or of the United States, touching the management of the stock, property, estate, and effects of the said corpo-

ration, as they shall think needful and proper; and shall have power to appoint a president and such other officers as to them shall seem meet.

4. *And be it enacted*, That as soon as the sum of twenty-five thousand dollars of the said capital stock shall be subscribed and paid, in lawful money or current bank notes, and an affidavit thereof, signed by a majority of the directors, shall be filed in the office of the secretary of state, it shall be lawful for the said company to commence their said business.

When company can commence business.

5. *And be it enacted*, That the president and a majority of the directors, with the treasurer of said company, shall, within thirty days after they commence operations, make a certificate, stating the amount of the capital paid in; which certificate shall be signed and sworn to by the president and treasurer and a majority of the directors, and they shall, within thirty days, record the same in the record of deeds for the county of Essex; and a like certificate, signed and sworn to as before, shall be recorded in the aforesaid record of deeds, in the month of January of every year, of the amount of the capital stock invested, until the whole amount shall be paid in.

Certificate of amount of capital paid in to be made and recorded.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day that pursuant to this act it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election some future day.

Corporation not to be dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That it shall not be lawful for the directors of the said company to make dividends, except from the surplus profits arising from the business of the company; and in case of any violation of the provisions of this section, the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the said directors at the time, shall, in their individual and private capacities, jointly and severally, be liable to the said company, and to the creditors thereof, in the event of its dissolution or insolvency, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, with legal interest on the same from the time such liability accrued; *provided*, that this section shall not be construed to prevent a division and distribution of the capital stock of the company which shall remain, after the payment of all its debts, upon the dissolution of the company, or the expiration of its charter.

Dividends not to be made, except from surplus profits.

8. *And be it enacted*, That the above named persons, and such other persons as may be hereafter associated with them, and their successors, shall enjoy all the privileges and franchises incident to a corporation, for the purposes aforesaid; and

Capital stock not to be used for banking.

shall be capable of holding their capital stock, and the increase and profits thereof, in such manner and form as they shall think proper and conducive to the interest of the stockholders and of the public; *provided*, that no part of the capital stock of the said company shall be used for banking purposes.

Limitation.

2. *And be it enacted*, That this act shall not continue in force longer than thirty years, and it shall be lawful for the legislature at any time to alter, modify, or repeal the same.

Approved, February 16, 1846.

AN ACT to incorporate Burlington College.

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That George Washington Doane, Garret D. Wall, Isaac B. Parker, Reuben J. Germain, Benjamin I. Haight, John D. Ogilby, Edmund D. Barry, Richard S. Field, Elias B. D. Ogden, William Wright, Richard W. Howell, George P. McCulloch, James Parker, Charles King, James Potter, Garret S. Cannon, Jonathan J. Spencer, John Joseph Chetwood, Thomas P. Carpenter, Jeremiah C. Garthwait, Abraham Browning, George Y. Morehouse, William Halsted, Daniel B. Ryall, and their successors, being members of the Protestant Episcopal Church, shall be, and they are hereby constituted a body politic and corporate, by the name of "the Trustees of Burlington College;" and, by that name, shall have perpetual succession, and may sue and be sued, implead and be impleaded; and may purchase and hold property, whether acquired by purchase, gift, or devise, and whether real, personal, or mixed; and may make and have a corporate seal, and the same break and alter at their pleasure; and shall have all other rights belonging to similar corporations by the law of this state.

Style.

General powers.

Object.

2. *And be it enacted*, That the object of said association is hereby declared to be the advancement of education.

Trustees.

3. *And be it enacted*, That the entire management of the affairs and concerns of the said corporation, and all the corporate powers hereby granted, shall be, and hereby are vested in a board of twenty-four trustees, a majority of whom shall always be citizens and inhabitants of this state; and a majority of the trustees shall constitute the necessary quorum for the

transaction of all business matters connected with the said institution; the persons named in the first section of this act to be the first trustees; the governor of the state for the time being to be also a trustee ex officio and the president of the board; *provided*, that the president or the principal officer, by whatever name called, of the said college shall always be a trustee and citizen and inhabitant of this state.

4. *And be it enacted*, That the trustees shall hold their first meeting at the call of the trustee first named, and shall have power from time to time to enact by-laws, not repugnant to the constitution or laws of the United States or of this state, or to this act, for the regulation and management of the said corporation or college, to fill up vacancies in the board, and to prescribe the number and description, the duties and powers, of the officers, the manner of their appointment, and the term of their office; and special meetings of said trustees may be called by the president, or any six or more of said trustees, upon ten days' notice in writing of the time and place thereof being given or sent to each of said trustees.

Duties of trustees.

5. *And be it enacted*, That, for the purpose of carrying out the object declared in the second section of this act, the said corporation shall have power from time to time to purchase, take, and hold real and personal estate, and to sell, lease, and dispose of the same; *provided* the annual value shall not exceed the sum of twenty thousand dollars.

Corporation may purchase real estate.

6. *And be it enacted*, That the said corporation shall have and possess the right and power of conferring the usual academic and other degrees granted by any other college in this state.

Corporation may confer degrees.

Approved, February 27, 1846.

AN ACT to incorporate the Maurice River Steamboat Company of New Jersey.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That David Kimsey, Joshua Brick, Joseph Taylor, Stephen A. Garrison, William S. Townsend, William G. Leake, Ebenezer Westcott, junior, and all such persons as are now members or partners of an association, called and known by the name of the Maurice River Steam-

Names of incorporators.

Style and general powers. boat Company of New Jersey, and their successors and assigns, be, and they are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Maurice River Steamboat Company of New Jersey;" and by that name may have continued succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and may have full power, right, and legal authority to purchase, build, hold, occupy, and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate, whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as herein after declared.

Joint stock, &c. vested in corporation. *2. And be it enacted*, That all the joint stock of the said association, and all the estate, real, personal, and mixed, all the securities, claims, and demands, all the records, books, papers, and vouchers, in any wise belonging to the said association, shall be transferred to, and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing in this section contained shall impair or affect the rights of the creditors of the said association.

Proviso.

Amount of capital stock. *3. And be it enacted*, That the capital stock of said corporation shall not exceed seventy-five thousand dollars, which shall be divided into shares of fifty dollars each; the capital stock of the said association is to be taken as a part of the said sum of seventy-five thousand dollars; and the members of the said association are to receive so many shares of the said stock of the said corporation as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steamboats from Millville, in the county of Cumberland, to the city of Philadelphia and elsewhere, and is to be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, repairing, or building of suitable landings, wharves, and store-houses; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made, and adopted.

Capital stock, how to be employed. *4. And be it enacted*; That David Kimey, Joshua Brick, Joseph Taylor, Stephen A. Garrison, William S. Townsend, William G. Leake, and Ebenezer Westcott, junior, are hereby declared to be the directors of the said corporation, from the passage of this act until the election is held, as is herein after

Directors, their powers and duties.

provided for; the board of directors for the time being shall have power to elect a president (who shall be a director), a treasurer, and all such officers and agents, and to employ such workmen, artificers, and labourers, as shall be necessary to carry into effect and execute all the powers of this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts.

5. *And be it enacted*, That immediately from and after the passage of this act, the said company shall be considered fully organized, and the said directors may proceed to carry into effect the purposes and powers of the said corporation; and the said directors shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company as to them shall seem expedient, and not inconsistent with the laws of this state or of the United States.

Company organized on the passage of this act.

6. *And be it enacted*, That the residue of the capital stock of said company, or any part thereof, not heretofore disposed of, may be disposed of and taken, at any time hereafter, whenever the stockholders having a majority of the stock may deem it necessary and proper, the amount, however, to be limited by the board of directors for the time being, who are authorized to open books of subscription to said stock, at such time or times and place or places as they, or a majority of them, shall think proper, giving at least twenty days' notice of the time and place of their meeting; and, at the time of subscription, the sum of twenty dollars on each share shall be paid to the directors; and the remainder of such subscription shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting all previous payments on such shares, for the use of said company; *provided always*, that no instalment shall exceed twenty dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least twenty days' notice of the time and place appointed for the payment of each instalment shall be published in one or more newspapers published in the county of Cumberland and in the city of Philadelphia.

Books of subscription to be opened.

Proviso.

7. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by seven directors, a majority of whom shall constitute a quorum, and at least four shall be residents in this state, and shall be chosen annually by ballot, by the stockholders, either in person or by proxy, no person to be eligible as a director who shall not be a stockholder in the said company; and in the choice of direct-

Time and place of first annual election.

ors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first annual election for directors under this charter shall be held at Millville, on the first Monday in May next, ten days' notice thereof being first given in a newspaper published in the county of Cumberland and the city of Philadelphia; and the stockholders, when met, shall choose three persons as judges of election; and all future elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

Directors to regulate prices of transportation.

8. *And be it enacted;* That the president shall preside at all meetings of said corporation, and if absent, his place may be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, carriages, vehicles, horses, cattle, stock of every kind and description, and all kinds of produce or other articles that shall be transported in the boat or boats of the said company or corporation; and that the said board of directors shall from time to time declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the sum over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Corporation not dissolved for failure to elect on day prescribed.

9. *And be it enacted,* That if an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Not to engage in banking.

10. *And be it enacted,* That the said corporation shall not use or employ any part of the capital stock or other funds for banking or other purposes not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Act may be repealed, &c.

11. *And be it enacted,* That it shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act; and this act shall continue in operation twenty years from and after the passage thereof, and no longer.

Approved, February 17, 1846.

As supplement to the act entitled, "An act authorizing a sale of part of the state lands at Paterson, for the purpose of several cemeteries," passed February second, eighteen hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the attorney general be, and he is hereby authorized and directed to grant, in behalf of this state, unto "the Trustees of the Roman Catholic St. John's Chapel in Paterson" a conveyance in fee-simple; without limitation or condition, for all that lot of land and premises in the township of Paterson, described in a deed from the state of New Jersey to the said trustees, dated September fifth, eighteen hundred and thirty-nine, and recorded in the clerk's office of the county of Passaic, in book I of deeds, pages four hundred and thirty-one and four hundred and thirty-two, and containing three acres, strict measure.

Attorney general authorized to make conveyance of certain lands.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this supplement be, and the same are hereby repealed.

Parts of former acts repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, February 18, 1846.

AN ACT to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Bloomfield, in the county of Essex, are hereby required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, a town committee consisting of five persons, a school committee consisting of three persons, as many ju-

Inhabitants of Bloomfield authorized to vote by ballot.

tices of the peace as the township may be constitutionally entitled to elect, and an equal number of constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of the dog tax, and for the place of holding the next annual town meeting and the election of state and county officers.

Officers of election.

2. *And be it enacted*, That the judge of election, elected at the last or any future town meeting, shall preside at and conduct the election at the next ensuing town meeting, and the clerk of the township shall be clerk thereof; and the officers of said election shall be eligible to any office at said election, except that of justices of the peace.

Elections, how conducted.

3. *And be it enacted*, That the elections shall open and close at the same hour in the day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall be; and the same duties shall devolve on the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Vacancies, &c., how supplied.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings, or the state and county elections, but a majority of the whole number shall be required to determine any amount of money to be raised or specified; and in case there shall be a neglect or failure to elect an officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of the refusal of any person elected to accept the appointment, or of a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committee shall, at their next meeting thereafter, unless they shall deem a special town meeting for that purpose advisable, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Clerk of township to be clerk of town committee.

5. *And be it enacted*, That the clerk of the township shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the township; and when the town committee fill a vacancy or elect, in

case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

6. *And be it enacted*, That the overseers of the highways shall be elected by the voters of the several road districts, as they may be arranged from time to time by the town committee; and for the purpose of carrying this provision into effect, it shall be the duty of the town committee to give public notice, as directed in the seventh section of this act, of the time, which shall be within five days after the town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters of the township residing in such district shall assemble for the purpose of such election, and at which time and place such legal voters, so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes, and being so organized, the meeting shall proceed, as in the election of the moderator, to elect an overseer of the highway for the district, being a resident in said district; the moderator of each district meeting shall immediately thereafter notify the town committee, in writing, of the election of such overseer, which committee shall thereupon, in like manner, inform the person so chosen of his appointment; in case of the failure of any district to elect an overseer, or of the person so elected to accept the appointment, the town committee shall fill such vacancy, as in other cases; in case the town committee neglect to give the notice required for the district road meetings, the town committee next elected shall call a special district meeting for the election of such overseer, at a convenient time and place: the overseers of the highways shall account to and settle with the town committee, as now required to do by law.

Overseers of the highways, how elected.

7. *And be it enacted*, That the overseers of the poor and the school committee shall, at least ten days before the town meeting, prepare and lay before the town committee their annual reports, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and, at least five days before the town meeting, shall have copies thereof, and of the reports of the overseers of the poor and of the school committee, and a notice of the times and places of holding the district road meetings, as required by the sixth section of this act, to be posted up in three of the most public places in the township, and an intelligible abstract thereof to be published in a newspaper circulating in said township, and, in addition thereto, shall also cause a notice of the time and place of holding such district road meeting to be posted up in.

Overseers of the poor to make annual report...

some conspicuous place in such district, at least five days before the time of holding such meeting.

Reports to be
filed.

8. *And be it enacted*, That the reports of the town committee, the overseers of the poor, and the school committee, shall be filed and preserved by the town committee: in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election; in other particulars, the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation, for the additional duties required by this act, as they may deem reasonable.

Act, when to
take effect.

9. *And be it enacted*, That this act shall take effect as soon as it becomes a law.

Approved, February 18, 1846.

AN act authorizing the administrators of Cornelius C. Cruser, deceased, to convey certain real estate.

Preamble.

WHEREAS it is represented, that Cornelius C. Cruser, late of the county of Middlesex, in the state of New Jersey, deceased, did, in his lifetime, enter into an agreement with Ezekiel Lutes, of the county of Mercer, in the state aforesaid, for the sale and conveyance of all his right, title, and interest in a certain lot of land, situate in the township of West Windsor, in the county of Mercer aforesaid, adjoining the lands of George T. Olmsted and others, containing twelve acres, more or less, whereof the said Ezekiel Lutes was possessed, and now is possessed, by the act of the said Cruser, in his lifetime; and whereas the said Ezekiel Lutes did, at the time of said agreement, and according to the terms thereof, pay to the said Cruser therefor the sum of six hundred dollars, and the said Cornelius C. Cruser departed this life without having made and executed a deed of conveyance for the said property; and whereas letters of

administration have been granted to Eleanor Cruser, widow of the said Cornelius C. Cruser; deceased; and to James Scudder, William V. Scudder, and the said Eleanor Cruser, widow and administratrix, and the said James Scudder and William V. Scudder, administrators, as aforesaid, have prayed for legislative aid in the premises—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Eleanor Cruser, administratrix, and James Scudder and William V. Scudder, administrators, of Cornelius C. Cruser, deceased, are hereby authorized to make, execute, and deliver to the said Ezekiel Lutes a good and sufficient deed of conveyance of all the estate, right, title, and interest of the said Cornelius C. Cruser of, in, and to the aforesaid lot of land and premises, situate in the township of West Windsor, in the county of Mercer; which said deed shall be as valid and effectual as if the same had been duly executed by the said Cornelius C. Cruser, deceased, in his lifetime.

Administrators
authorized to
make deed, &c.

Approved, February 18, 1846.

AN ACT to incorporate the Delaware and Hanover Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Jones, William McKnight, and their associates, present and future, with their successors and assigns, shall be, and are hereby made, ordained, and constituted a body corporate and politic, by the name of "the Delaware and Hanover Railroad Company;" and, by that name, shall have continued succession, and shall have power to make and use a common seal, to sue and be sued, to plead and be impleaded, to purchase, hold, and convey lands and tenements, goods and chattels, and to do such other acts and things, possess and enjoy such other powers, privileges, and franchises, as are incident to a corporation and necessary for the purposes of this act.

Names of corpora-
tors.

Style and gene-
ral powers.

2. And be it enacted, That it shall and may be lawful for the said company, and they are hereby invested with all the rights and powers proper or necessary to reconstruct, amend, and repair all that certain railroad, heretofore known as the

Company to re-
pair railroad.

Delaware and Atlantic Railroad; to have, hold, use, and occupy the same; to make excavations; to erect and construct embankments and bridges, and all other necessary banks upon and along the route of said road, and the same to repair; to take up and alter, for the purpose of relaying, the timbers and rails of the said road; to sink timbers and lay rails; to level and grade the said road; to carry and transport persons and every species of property thereon; to construct or purchase, and to place thereon, all machines, engines, wagons, cars, or carriages for the transportation of passengers and property, at such rates and charges as the said company shall think reasonable and right; *provided* the said company shall not charge more than at the rate of three cents per ton per mile for the transportation of property, nor more than at the rate of three cents per mile for the carriage of each passenger in the carriages of said company.

Proviso.

Rates of toll.

3. *And be it enacted*, That it shall and may be lawful for the said company to charge and demand tolls and rates for the passage of all carriages, cars, engines, or vehicles belonging to other persons than the said company upon their said road, and to make regulations for the collection of the same; to regulate the time and manner of transporting persons and property; to regulate and determine the kind and description of engines, carriages, cars, and other vehicles that shall or may be used on said road; *provided always*, that the tolls charged by the said company for the passage of engines, carriages, cars, or vehicles not belonging to said company, shall not exceed the following rates: for a locomotive, eight cents per ton per mile; for an empty carriage or car, weighing one ton or under, two cents per mile; above one ton, and not exceeding two tons, three cents per mile; above two tons, six cents per mile; and the following tolls for passengers and freight carried in said carriages and cars, in addition to the tolls allowed to be charged for said carriages and cars, *viz*: three cents per cord per mile for wood; three cents per thousand feet per mile for lumber; three cents per ton per mile for every other species of property, and three cents per mile for every passenger, carried in said carriages and cars.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said company shall be limited to the sum of thirty thousand dollars, and shall be divided into six hundred shares, of fifty dollars each; which stock the said company shall and may sell and dispose of at such time, to such person or persons, and in such amounts and numbers of shares, as the said company shall think necessary and expedient for effecting the purposes of this act: the said stock shall be deemed personal property, and

shall be transferable in such manner as the said company shall by their by-laws direct.

5. *And be it enacted*, That on the first Monday in May next, and on the first Monday in May annually thereafter, there shall be a meeting of the stockholders of said company, at which said annual meetings the stockholders then present shall elect as many directors, to serve for the ensuing year and until others are chosen, as shall be fixed and determined by a majority of the stockholders then present; and in determining the number, as well as in electing the said directors, each share of the said capital stock shall entitle the holder thereof to one vote; of each annual meeting, at least thirty days' previous notice shall be given by the said company, by advertisement, stating the time and place thereof, published in one of the public newspapers of the county of Burlington. Time of annual election.

6. *And be it enacted*, That within twenty days after each annual election, as aforesaid, the said directors shall choose from their own body a president of the said company, who shall hold his office for one year and until another shall be chosen; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; the president shall be the presiding officer at all meetings of the said directors, and have the casting vote when they shall be divided, shall have charge of the seal of the said company, and shall appoint the judge or judges of all elections by the stockholders; and in case of the absence of the president, the said directors, or a majority of them, may choose from their body a president pro tempore, who, for the time being, shall possess the same power and authority, and perform the same duties herein prescribed. Powers and duties of president.

7. *And be it enacted*, That a majority of the directors, with the president, shall be a quorum for business; and the said directors, or a majority of them, shall have power to appoint a treasurer and all other officers, engineers, agents, superintendents, and servants that may be required to transact the business of the said company; to decide upon the description of engines, carriages, and cars to be used upon the said railroad, the weight to be carried in each carriage and car, the times of starting, and the rates of travelling; to regulate the tolls, to superintend and direct the receipts and disbursements, and other affairs of the said company, and to make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of stock and for the general government of the company, and the management of its affairs; *pro-* Powers and duties of directors.

vided the same be not repugnant to the constitution and laws of this state or of the United States.

Company to
make bridges,
&c.

8. *And be it enacted*, That the said company shall provide, by means of bridges or otherwise, convenient ways and passages for the public across said railroad, whenever it may cross a public road, and shall fix at least one easy passage at each farm, for cattle and wagons across the said railroad.

Penalty for in-
juring works.

9. *And be it enacted*, That if any person or persons shall wilfully and maliciously injure the said railroad, or any machinery, building, or works of the said company appertaining thereto, such person or persons shall forfeit and pay therefor, to the said company, three times the amount of the damages occasioned by such injury, to be recovered, in the name of the said company, with costs of suit, in any court having cognizance of the same.

Charter to be
forfeited if com-
pany abandon
road, &c.

10. *And be it enacted*, That in case the said company shall abandon the said road, or any part thereof, or cease to use and keep the same, or any part thereof, in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be reinvested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid, their heirs and assigns; but the said road shall for ever thereafter be considered as a public highway.

Special meet-
ings of stock-
holders may be
called.

11. *And be it enacted*, That it shall and may be lawful for the president and directors for the time being, or a majority of them, whenever they may deem it expedient, to call special meetings of the stockholders, by giving the like notice as is herein before directed; but no business shall be transacted at such special meetings, unless there be present a majority in interest of the said stockholders.

Style of incor-
poration.

12. *And be it enacted*, That the said railroad shall hereafter be called and known by the name of "the Delaware and Hanover Railroad;" and this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Restriction.

13. *And be it enacted*, That it shall not be lawful for the said company to use their capital, or any part thereof, in banking operations.

Act, when to
take effect.

14. *And be it enacted*, That this act shall go into operation immediately.

Approved, February 19, 1846.

AN ACT to incorporate the New Brunswick Mutual Fire Insurance Company.

WHEREAS sundry inhabitants of the city of New Brunswick and its vicinity, in this state, have represented to the legislature that ensurance on buildings and other property, situate and belonging to citizens in this state, is frequently, and to a large amount, made in the city of New York, and that another ensurance company in the city of New Brunswick, under proper regulations, would tend to the convenience of the inhabitants, and would confine at home a source of wealth which is yearly carried into another state—therefore,

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Richmond, Peter Spader, Nicholas Booraem, James Conover, John Clark, Martin A. Howell, Ira C. Voorhees, George G. Nevius, Asa Applegate, James C. Stout, John Van Nuis, Lewis R. Stelle, Johnson Letson, John H. Stothoff, and others, their associates, successors, and assigns, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the New Brunswick Mutual Fire Insurance Company," the office thereof to be located in the city of New Brunswick; and, by that name, they and their successors shall and may have succession during the continuance of this act, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of the New Brunswick Mutual Fire Insurance Company, shall be in law capable of purchasing, possessing, and enjoying, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure, for the benefit of said company.

Names of corporators.

Style of incorporation and general powers.

2. And be it enacted, That it shall and may be lawful for the said corporation to ensure dwelling-houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and also, to take marine risks, and ensure against loss or damage at sea, and generally to ensure against all losses pertaining to fire.

What property may be ensured.

3. And be it enacted, That the property and concerns of

Time and mode
of annual elec-
tion of direct-
ors.

the said corporation shall be managed and conducted by thirteen directors, all of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, to hold their offices for one year and until others are chosen to fill their places; and the election for directors shall be held on the second Monday in March, in every year, between the hours of ten in the forenoon and three in the afternoon, at the office of the company, or at such place as the majority of directors for the time being shall appoint, of which election the secretary shall give public notice in the newspapers printed in the city of New Brunswick, at least two weeks immediately preceding such election; and if any of the said directors shall die, or refuse to serve, or neglect to act in said office for the space of six months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation for that cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for directors; and until an election for directors shall be held according to the provisions of this section, the following persons shall be directors, namely, Frederick Richmond, Peter Spader, John Clark, Martin A. Howell, Nicholas Booraem, Ira C. Voorhees, James Conover, Johnson Letson, James C. Stout, George G. Nevius, Asa Applegate, John H. Stothoff, and Lewis R. Stelle.

First directors.

Directors to
choose presi-
dent.

4. *And be it enacted*, That the directors herein before mentioned shall, as soon as convenient after the passing of this act, and the directors annually chosen agreeably to the provisions of this act shall, as soon as convenient after their election, proceed to choose out of their body one person to be a president, who shall be an inhabitant of New Brunswick, and shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to serve of the president, such vacancy may be filled, for the remainder of the term, by such person as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the by-laws of the said company may provide; *provided*, that the president of the said company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

Powers and du-
ties of directors.

5. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and

disposition of the stock, property, estate, and effects of the said corporation, and touching all such other matters as appertain to the business, ends, and purposes which the corporation by this act is entitled to; and also shall have power to appoint a secretary, surveyor or surveyors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, with such allowances as to them shall seem meet; *provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of the United States and of this state.

6. *And be it enacted*, That it shall not be lawful for the president or a director of any other insurance company, engaged in ensuring houses, stores, and personal property against loss or damage by fire, to be president or director of the company incorporated by this act.

Officer of any other insurance company, not to hold office in this.

7. *And be it enacted*, That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, for such a sum of money as shall be determined by the directors to be the premium for said insurance, twenty-five per centum of which said note shall be immediately paid; and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of loss or damage by fire, and such incidental expenses as shall be necessary for transacting the business of said company; but no member shall be held liable beyond the amount of his, her, or their promissory note; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, after deducting a just and fair proportion of all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money in hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unencumbered real estate in the counties of Middlesex and Somerset, of double the amount loaned, or invest the same in stocks of the United States or of the state or city of New York.

Terms of effecting insurance.

8. *And be it enacted*, That from and after the passing of this act, no person shall be admitted as a member, and entitled to all the benefits and privileges of the said corporation, unless he or she shall first pay, or cause to be paid, to the secretary thereof, the same amount of premium, with the interest accrued thereon, as is already paid to the said corporation by the first ensured members thereof; *provided*, that after the term of ten years, and if so ordered by the members of the corporation, the directors may make such by-laws as will confine the be-

New members, how admitted.

profits of the mutual principle of insurance to those who are thus insured in said company, and that others may effect insurance in said company on paying such premium or premiums as shall be agreed on between the company and the insured.

Suits may be maintained against members, &c.

9. *And be it enacted,* That suits at law or in equity may be maintained by said corporation against any of its members, for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law or in equity may be prosecuted and maintained, by any member, against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company is duly notified of such losses; and no member of the company, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness in any such cause on account of his being a member of said company.

Duties of secretary.

10. *And be it enacted,* That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company or board from time to time, by their by-laws, may direct.

Policies, how made.

11. *And be it enacted;* That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such place, as shall be from time to time ordained and prescribed by the by-laws, rules, and regulations of the said corporation.

Transfers to be entered.

12. *And be it enacted,* That no transfer of any policy of insurance of the said company shall be valid, unless entered in the books of said company and certified on such policy by the secretary.

When policies to be issued.

13. *And be it enacted,* That no policy shall be issued by the said company until applications shall have been made for insurance to the amount of fifty thousand dollars.

Restrictions.

14. *And be it enacted,* That no part of the funds of the company shall be used for banking, or for any other purpose not indicated by this act.

Oath of directors and secretary.

15. *And be it enacted,* That each director and secretary shall, before he enters on the duties of his office, take the following oath or affirmation (as the case may be): "I ——— do swear (or affirm), that I will faithfully execute the duties of ———, agreeably to the provisions of this act, and the trust reposed in me, to the best of my skill and understanding."

16. *And be it enacted,* That this act shall continue in force Limitation: for the space of twenty years, but it shall and may be lawful for the legislature at any time to alter or repeal the same.

17. *And be it enacted,* That this act shall take effect immediately. Act, when to take effect.

Approved, February 20, 1846.

AN ACT to incorporate the American Mutual Fire and Marine Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Stephen G. Gould, William N. Simpson, Alexander N. Dougherty, Samuel P. Smith, Jonathan Parkhurst, Chileon F. Decamp, Thomas B. Segur, Lewis C. Grover, Thomas V. Johnson, John Young, John W. Poinier, and Daniel Pierson and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the American Mutual Fire and Marine Insurance Company," to be located at Newark, New Jersey; and, by that name, they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also, they and their successors, by the name of the American Mutual Fire and Marine Insurance Company, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the uses of the said corporation; *provided* the said estate which it shall be lawful for the said corporation to hold; be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be taken as security for, or in payment of debts; nor shall the yearly income of such real estate exceed three thousand dollars.

Names of corporators.

Style and general powers.

2. *And be it enacted,* That all persons who shall ensure in or with said company, shall be members of said corporation; and the property and concerns of said corporation shall be conducted and managed by twelve directors (a majority of whom shall be citizens and residents of this state, and shall not

Persons ensuring to be members.

hold a like office or agency in any other fire or marine insurance company), to be chosen by ballot, by and from among the members, and shall hold their office for one year and until others are chosen.

Time and mode
of annual elec-
tion of direct-
ors.

3. *And be it enacted*, That an election for directors shall be held on the first Monday in February in every year, at the office of the company or such other place as a majority of the directors may previously designate; a public notice of the election shall be given by the secretary, in one or more newspapers printed in Newark, at least two weeks previous to the time of holding the election; and if any of the directors shall die, or refuse to serve, or neglect to act in their said office for the space of three months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful, on any other day, to hold such election; *provided*, that the first election for directors shall be held on the first Monday in February next; and, until the said election, the persons named in the first section of this act shall be directors of said company.

What property
may be insured.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure their respective dwelling-houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire; and also to take marine risks, and ensure against loss or damage at sea, and generally to ensure against all losses pertaining to fire and marine risks.

Powers and du-
ties of directors.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, for the management and disposition of the property, estate, and effects of the corporation, for the regulation of the mode of effecting insurance in said corporation, and of valuation of property insured or to be insured thereby; and to fix rates of insurance and fees of officers, and for such other matters as appertain to the business of the said corporation; and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers, agents, or servants, as by them shall be deemed proper, to which offices the directors shall be eligible; *provided* such by-laws, rules, and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

6. *And be it enacted*, That it shall and may be lawful for

the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of ensurance, in proportion to the amount ensured; which notes or obligations may be taken, subject to such rules and regulations as the board of directors, by their by-laws, may direct.

Notes of members may be taken for amount of ensurance.

7. *And be it enacted*, That at the first meeting of the directors held after their election in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be chosen in his place; they shall also elect a treasurer, and require of him to give bond to the corporation for the faithful performance of his duty, for such sum as to them shall appear sufficient.

Directors to choose a president.

8. *And be it enacted*, That all policies of ensurance which shall be made by the corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation, for losses sustained or other liabilities, to a greater amount than they have funds to discharge, in such case the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the corporation, or their representatives, according to the amount of each member's ensurance, which rates or assessments shall be approved of by a majority of the whole number of directors; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member; and notice in writing shall be given by the secretary to each member, or his representative, of his assessment, and the amount by him, her, or them to be paid; and each and every member, or his representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof, shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association, and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Policies, how made.

9. *And be it enacted*, That no money shall be drawn from the treasury of the corporation, except for the purpose of paying damages in cases of loss by fire or sea, and for other purposes, to be provided by the by-laws, rules, and regulations of the company.

Drafts on treasury, &c.

10. *And be it enacted*, That if any person ensured by the

Transfers to be
recorded.

said corporation shall convey or assign the property ensured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but the corporation shall not be bound by such policy after such assignment, until the assignment shall have been recorded in the books of the corporation, and the same certified on such policy by the secretary.

Corporation
may be sued, if
payment for da-
mages is with-
held.

11. *And be it enacted*, That any person or persons ensured by said corporation, may maintain an action at law against the same, for losses and damages due to him, her, or them from said corporation, if payment is withheld for more than ninety days after the amount of such losses shall have been ascertained, and the said corporation notified thereof; no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witness; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such case a reasonable time shall be allowed them.

Limitation.

12. *And be it enacted*, That this act shall continue in force twenty years, and no longer, unless the charter is renewed; and it shall be lawful for the legislature at any time to amend, alter, modify, or repeal the same; *provided*, that no contract made by said corporation before such repeal, shall be affected thereby; and the said corporation shall have a reasonable time to bring their accounts to a final settlement.

Restriction.

13. *And be it enacted*, That no part of the funds of said corporation shall be used for banking purposes.

Act, when to
take effect.

14. *And be it enacted*, That this act shall take effect immediately.

Approved, February 20, 1846.

AN ACT authorizing the board of chosen freeholders of the county of Mercer to equalize the taxes of townships in said county.

Township com-
mittee may ap-
peal.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the township committee of any township in the county of Mercer, who believe their township to be unjustly and improperly taxed by the board of assessors, in the apportionment of the taxes of the different townships

in said county, shall be, and they are hereby authorized to appeal from such assessment to the board of chosen freeholders of the said county, at their next annual meeting, giving notice of such intention, by advertising the same in any newspaper circulating in said county, for thirty days previous to such annual meeting of the board of chosen freeholders.

2. *And be it enacted*, That the board of chosen freeholders of said county, at such annual meeting, shall examine the assessment list or roll of such township so appealing, and the respective assessment lists of the several townships in said county, for the purpose of ascertaining whether the quota of tax apportioned to any township, in such previous year, bore a just relation to the amount of tax to be raised by said county; and they may increase or diminish the aggregate valuation of the taxable property in any township, by adding or deducting such sum as may, in their opinion, be necessary to produce a just relation between all the valuations of taxable property in said county for the preceding year, but they shall not reduce the aggregate valuations of all the townships below the aggregate valuations for said county, as made by the assessors.

Board of chosen freeholders to equalize taxes.

3. *And be it enacted*, That whenever the board of chosen freeholders shall alter and correct the quota of tax of any township or townships for the preceding year, they shall make out a statement and determination of the correct quota of the respective townships for the preceding year, specifying the amount of excess or deficiency in the quota of tax of each township, which statement and determination shall be entered in the minutes of the board; and they shall direct a copy of such statement, certified by their clerk to be a true copy, to be furnished to the board of assessors at their annual meeting for the current year; and such board of assessors shall cause the excess of tax apportioned to any township in the preceding year, to be deducted from the quota of tax to be raised by such township for the current year, and the deficiency of any township to be added to its quota for the current year.

Board to make out a statement and determination.

4. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, February 20, 1846.

AN ACT to extend the charter of the State Bank at Elizabeth.

Time of former
act extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to extend the act incorporating the state banks in New Jersey, passed February nineteenth, in the year of our Lord one thousand eight hundred and twenty-nine, shall be, and hereby is continued and extended, so far as regards the president, directors, and company of the State Bank at Elizabeth, for and during the term of seventeen years from and after the time by the said act limited for its continuance.

Time of annual
election of direc-
tors.

2. *And be it enacted*, That on the third Tuesday of October, in every year, an election shall be held by the stockholders of said bank, at their banking-house, between the hours of nine and twelve in the forenoon, to choose thirteen directors, who shall take their seats at the board on the second Monday of November following, and serve as such for the ensuing year and until others are elected to supply their places, unless disqualified.

Parts of former
acts repealed.

3. *And be it enacted*, That all sections and parts of sections in said acts contained, inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

Approved, February 21, 1846.

Act to make valid and binding a certain contract, entered

AN ACT to make valid and binding a certain contract, entered into between the mayor and common council of the city of Newark, of the first part, and the president and directors of the Newark Aqueduct Company, of the second part.

Preamble.

WHEREAS the mayor and common council of the city of Newark and the president and directors of the Newark Aqueduct Company have entered into certain articles of agreement, for the purpose of furnishing a full and adequate supply of water to extinguish fires in the city of Newark and for other purposes, in the said articles of agreement particularly specified, which said articles of agreement bear date the ninth day of December, in the year of our Lord eighteen hundred and forty-five; and whereas, it is doubted by the parties of the first part, whether the said "the president

and directors of the Newark Aqueduct Company, by virtue of their charter of incorporation, have the power to make and execute said agreement and contract; and whereas the parties to said agreement and contract have sought the aid of the legislature of this state in the premises—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said articles of agreement, made and executed on the ninth day of December, eighteen hundred and forty-five, between the mayor and common council of the city of Newark, of the first part, and the president and directors of the Newark Aqueduct Company, of the second part, be, and the same are hereby declared valid and binding between the parties thereto, from and after the date thereof, in every article, clause, and covenant therein contained and expressed; and further, it shall and may be lawful for the said the president and directors of the Newark Aqueduct Company, at any time hereafter, with the consent of the mayor and common council of the city of Newark, to add to, alter, or vary the terms of the said agreement in any particulars, matters, and things, or to make a new contract for the purposes in the present one declared and expressed; which said alterations, additions, or new contract, acknowledged, certified, and recorded as herein after mentioned and provided, or the record or certified copy thereof, shall be received in evidence, in the same manner, and with the same effect, as is herein after provided for the original contract.

Agreement
made valid.

2. *And be it enacted*, That either of the parties to said agreement, may cause the same to be recorded in the clerk's office of the county of Essex, in any book provided by law for the recording of deeds in said county; and the clerk of said county is hereby authorized and required, upon the payment of the same fees as are prescribed by law for recording deeds, to record the said agreement, when produced to him for that purpose; *provided* the same be first acknowledged or proved, and certified to be acknowledged or proved, in the manner prescribed by the act entitled, "An act respecting conveyances," passed on the seventh day of June, seventeen hundred and ninety-nine; and the articles of agreement so acknowledged, or proved and certified as aforesaid, or the record aforesaid, or a transcript of such record, certified to be a true transcript by the clerk of the county of Essex for the time being, shall be received in evidence in all courts of this state, and in all places where necessary for evidence, and with the same effect as if the original articles of agreement were then and there produced and proved.

Agreement to
be recorded.

Proviso.

3. *And be it enacted*, That nothing contained in this act or in the said articles of agreement shall be construed to impair or

Rights of common council not affected.

affect the legislative capacities or powers vested in the common council of the city of Newark, under "An act to incorporate the city of Newark," or the supplements thereto.

Act to be a public act.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and as such shall be recognized and taken notice of by all persons and courts of justice, whatsoever, within this state; and that the same shall take effect immediately.

Approved, February 24, 1846.

AN ACT to authorize Thomas Hunt to maintain and keep in repair a dock or wharf in front of his land in the township of Shrewsbury, in the county of Monmouth.

Preamble.

WHEREAS Thomas Hunt has built, or caused to be built, a dock or wharf upon and in front of his lands in the township of Shrewsbury, in the county of Monmouth, and extending a sufficient distance into the North Shrewsbury river, for the accommodation of vessels navigating the same; and whereas, since the erection of said dock or wharf, the aforesaid Thomas Hunt has learned that he has no legal right to extend the aforesaid dock or wharf into the river—therefore,

T. Hunt authorized to maintain dock, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Thomas Hunt, his heirs and assigns, to maintain and keep in repair the dock or wharf he, the said Thomas Hunt, has built upon and in front of his lands in the township of Shrewsbury, in the county of Monmouth, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage and wharfage therefor, from all persons using the same; *provided*, that this act shall not affect the legal rights of any persons whatever; *and provided also*, that the rates of such dockage and wharfage shall not be higher than those charged in the city of New York.

Penalty for injuring dock.

2. *And be it enacted*, That if any person or persons shall destroy, or in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all

Damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

3. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved, February 24, 1846.

AN ACT to authorize Jeremiah Stull to construct a dam across the Great Egg Harbour river, at May's Landing, in the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Jeremiah Stull, his heirs or assigns, to construct a mill-dam across the Great Egg Harbour river, at the most convenient point, not more than three hundred yards above the bridge known as Hamilton bridge, at May's Landing, in the county of Atlantic, and adjoining the bank of lands of Nicholas Rape on the westerly side, and the bank of lands of Abraham L. Iszard and others on the easterly side of said river, for the purpose of creating a water-power for the benefit of such mill or mills, or other water works, for manufacturing or other purposes, as shall be hereafter erected by the said Jeremiah Stull, his heirs or assigns, or by any other person or persons, or bodies corporate, to whom he or they may hereafter let, sell, or lease any water-power, right, or privilege, and for ever hereafter use the same for the purposes aforesaid; and the same to repair, maintain and uphold, upon condition that the said Jeremiah Stull shall form, build, and complete suitable gates and shute, at least sixteen feet wide, in said dam, at the most advantageous place in said river, so that boats and rafts of the usual size floated down said river may pass through the same with ease and safety; and it shall be lawful for any person floating boats or rafts down said river to pass through said gates at any time, except during the night; but the said dam and works shall not be constructed until the timber on the ground, to be covered by the water of the dam, shall be cut off and removed, so as to offer no obstruction to the navigation, the owner or owners of the timber being entitled to the same, if removed by him or them, or at his or their expense; but upon his or their refusal to remove the same, or pay the expense thereof, the

J. Stull authorized to construct a dam.

same shall be wholly at the disposal of the said Jeremiah Stull, his heirs or assigns; and further, if it becomes necessary hereafter for the better navigation of the said river, that a lock should be placed in said dam for the passage of vessels or boats, the said Jeremiah Stull, his heirs or assigns, shall offer no obstruction to the building of said lock, by any person who may be willing to complete the same.

Consent of owners of land to be obtained.

2. *And be it enacted*, That the said Jeremiah Stull, his heirs or assigns, shall not commence the building of said dam across said river, in whole or in part, at the place in the said preceding section mentioned, until he, the said Jeremiah Stull, shall obtain the consent in writing of such persons whose lands may be touched or flooded by the contemplated works of the said Jeremiah Stull, and until the said writing shall be duly acknowledged by the said persons from whom the same may be obtained, and recorded in the clerk's office of the county of Atlantic.

Dam to be kept in repair, &c.

3. *And be it enacted*, That after the building of said dam, gates, and shute, the said Jeremiah Stull, his heirs or assigns, as long as the same is made use of for the purposes aforesaid, shall maintain, uphold, and support the said dam, gates, and shute, and if occasion shall require, rebuild the same, and at all times hereafter keep the said dam, gates, and shute in good and sufficient repair.

Penalty for injuring works.

4. *And be it enacted*, That if any person or persons shall wilfully injure said dam, gates, or shute, or other improvements built or made for the support thereof, or shall wilfully, negligently, or unnecessarily leave open any gate or aperture whereby a waste of water is occasioned, with an intent as aforesaid to injure the said Jeremiah Stull, his heirs or assigns, or either of them, he, she, or they so offending shall be liable to be indicted, and on conviction thereof, be fined, at the discretion of the court, in any sum not exceeding one hundred dollars, and shall also be liable to damages in an action of trespass, at the suit of the party injured.

Time for completion of works

5. *And be it enacted*, That if the mill-dam, gates, and shute contemplated by this act shall not be commenced within two years after the passage of this act, or shall not be completed within three years, this act shall be void; and that the legislature may at any time hereafter alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Approved, March 4, 1846.

AN ACT to incorporate the Year-Clock Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That James R. Mills, Josiah Rhodes, David Seaman, John Kennedy, and Abraham V. Spear, and their associates and successors, are hereby constituted a body corporate, by the name of "the Year-Clock Company," for the purpose of manufacturing clocks and time-keepers in the county of Essex, in this state, and not elsewhere, and of carrying on the business incident thereto, and to rent and use any surplus water or steam power for other lawful manufacturing purposes. Names of corporations.

2. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be managed and conducted by five directors, being stockholders (one of whom shall be president), who shall hold their offices for one year and until others are chosen; and the said directors shall be chosen on the second Monday of January in every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given two weeks previous, in a newspaper printed in the said county of Essex, and each stockholder shall be entitled, in person or by proxy, to one vote on each share of stock held by him or her, and the five persons receiving the greatest number of votes, and being stockholders, shall be directors; and all vacancies occurring, by death, resignation, or otherwise, among the directors named in this act, or those hereafter chosen, shall be filled by such person or persons as a majority of the remainder of the directors shall appoint; and a majority of the directors shall be a quorum for transacting the business of the said corporation; and that the said James R. Mills, Josiah Rhodes, David Seaman, John Kennedy, and Abraham V. Spear shall be the first directors of the said corporation, and shall hold their offices until others are legally chosen. Time and mode of annual election of directors.

3. *And be it enacted*, That the capital stock of the said company shall be divided into shares of one hundred dollars each, and, as soon as the sum of fifteen thousand dollars of the capital stock shall be subscribed and paid in, and a certificate thereof made of the amount so paid in, signed and sworn or affirmed to by a majority of the directors, and the same recorded in the office of the clerk of the said county of Essex, and published for two weeks in a newspaper printed in the said county of Essex, it shall be lawful for the said company to commence their said business; and the said company may increase its capital stock from time to time, as the same shall become necessary, until it shall amount to the sum of one hun- Amount of capital stock.

dred thousand dollars; and shall, within thirty days after the payment of the last instalment of every such increase of said capital stock, as may be determined on by the said company, make a certificate of the amount so added and paid in; and a majority of the directors shall sign and swear or affirm to the same, and cause it to be recorded and published in the manner and form aforesaid.

Books of subscription to be opened.

4. *And be it enacted*, That the books of subscription to the said capital stock shall be opened under the direction of the board of directors, and subject to such rules and conditions as they may prescribe; and it shall be lawful for the directors, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose by public notice, previously published for two weeks in a newspaper printed in the said county of Essex, designating the proportion of such payment per share, and the time and place where, and to whom the same shall be made.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal property, and transferable on the books of the company, in such manner as the by-laws may provide; but no stockholder indebted to the company shall be permitted to make any transfer or receive a dividend until such debt be paid; and whenever any transfer of shares shall be made for collateral security, and not absolutely, the same shall be so expressed in the entry of said transfer.

Corporation not to be dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day designated by this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on some future day.

Limitation.

7. *And be it enacted*, That this act shall continue in force for the term of twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved, February 25, 1846...

AN ACT to incorporate the Raritan Mining and Manufacturing Company.

WHEREAS Albert Cammann has, in behalf of himself and his future associates, by his petition set forth that he is proprietor, by lease and in fee, of certain tracts of land in the county of Middlesex, and State of New Jersey, containing mines of copper and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of enabling them to work the said mines, and any other mines they may hereafter possess in said state; and also to manufacture the ores thereof, in such manner as they may think proper—therefore,

Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Albert Cammann, and such others as may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the Raritan Mining and Manufacturing Company;" and, by that name, they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Names of corporators.

Style and general powers.

2. And be it enacted, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Tuesday of January, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the county of Somerset, and in one printed in the city of New York; and the election shall then and there be made, by such of the stockholders as shall attend for that purpose, in person

Time and mode of annual election of directors.

or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

Corporation not dissolved for failure to elect on day prescribed.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars, and that a share in the said stock shall be one hundred dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call or demand in the newspapers before mentioned.

Directors, their powers and duties.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, the election of directors, and all such other matters as pertain to the concerns of the said corporation.

Restrictions.

6. *And be it enacted*, That nothing in this act contained shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes, except for the benefit of the mining and manufacturing operations.

7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being liable. Stock transfer-
able.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders. Transfers to be
registered.

9. *And be it enacted*, That the contracts entered into by the said Albert Cammann, touching and concerning leases of any part of the said tract or tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves. Contracts made
by its command
binding on com-
pany.

10. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred to by all judges and justices, and others, without being specially pleaded. Act to be a pub-
lic act.

11. *And be it enacted*, That this act shall continue in force for twenty years.

Approved, February 25, 1846.

A further supplement to the act entitled, "An act to incorporate the Morris and Essex Railroad Company," passed January twenty-ninth, eighteen hundred and thirty-five.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the act passed March second, eighteen hundred and thirty-six, entitled, "A supplement to the charter of the Morris and Essex Railroad Company," passed January twenty-ninth, eighteen hundred and thirty-five, shall not be so construed as to limit the time for the construction of the branch or lateral roads, in said supplement mentioned, to the fourth day of July, eighteen hundred and forty-five. Time for con-
struction of
branch road.

Road to be continued to Stanhope.

2. *And be it enacted*, That it shall and may be lawful for the said company, when a branch or lateral road to Dover shall be completed, to continue the same to Stanhope; and, for the purpose of carrying into effect the objects of this act and of the aforesaid supplement, the said company are hereby invested with all the rights, powers, and privileges given and granted by their original act of incorporation, and the several supplements thereto, and subjected to the several restrictions contained in said acts.

Act may be amended.

3. *And be it enacted*, That the legislature may alter or amend this act, whenever the public good requires it, and that the same shall not be so construed as in any wise to affect or impair the right or interest of any person or persons claiming to be creditors of said company, nor in any wise to prejudice said company in relation to any such claim.

To be a public act.

4. *And be it enacted*, That this supplement shall be taken and deemed a public act, and shall take effect immediately.

Approved, February 25, 1846.

AN ACT to incorporate the American Mutual Fire Insurance Company at Plainfield.

Names of corporations.

Style and general powers.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Elias Kirkpatrick, Elisha Runyon, Madison Terrell, James C. Ayres, Isaac Titus, John Smalley, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "the American Mutual Fire Insurance Company at Plainfield;" and, by that name, they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also, they and their successors, by the name of the American Mutual Fire Insurance Company at Plainfield, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the uses of the said corporation; *provided* the said estate which it shall be lawful for the said corporation to hold,

be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be taken as security for the payment of debts; nor shall the yearly income of such real estate exceed three thousand dollars.

2. *And be it enacted*, That all persons who shall ensure in or with said company, shall be members of said corporation; and the property and concerns of the said corporation shall be conducted and managed by nine directors, (all of whom shall be citizens of this state, and shall not hold a like office or agency in any other insurance company) to be chosen by ballot, by and from among the members, and shall hold their office for one year and until others are chosen.

Persons ensuring to be members.

3. *And be it enacted*, That an election for directors shall be held on the first Monday in April of every year, at the office of the company or such other place as a majority of the directors may previously designate; a public notice of the election shall be given by the secretary, in a newspaper printed in Plainfield at least two weeks previous to the time of holding the election; and if any of the directors shall die, or refuse to serve, or neglect to act in their said office for the space of three months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful, on any other day, to hold such election; *provided*, that the first election for directors shall be held on the first Monday of May next; and the directors, when elected, shall continue in office until the first Monday of April thereafter, of which said last mentioned election previous public notice shall be given in a newspaper printed in Plainfield, for at least two weeks.

Time and mode of annual election of directors.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure their respective dwelling-houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire.

What property may be ensured.

5. *And be it enacted*, That at the annual meeting of the said corporation, or at any general meeting of the same, which general meeting may be called by any three directors, it shall be lawful for a majority of the members present to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, for the management and disposition of the property, estate, and effects of the corporation, for the regulation of the mode of effecting insurance in said cor-

Powers and duties of directors.

poration, and of valuation of property ensured or to be ensured thereby; and to fix rates of ensurance and fees of officers, and for such other matters as appertain to the business of the said corporation; and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers, agents, or servants, as by them shall be deemed proper, to which offices the directors shall be eligible; *provided*, that a majority of the members present at such annual or general meeting may, by resolution, vest any or all of the powers given in this section in the board of directors; *and provided*, that such by laws, rules, and regulations shall not be repugnant to the constitution of the United States and to the constitution and laws of this state.

Directors to
choose a president.

6. *And be it enacted*, That at the first meeting of the directors held after their election in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be chosen in his place; they shall also elect a treasurer, and require of him to give bond to the corporation for the faithful performance of his duty, for such sum as to them shall appear to be sufficient.

Policies, how
made.

7. *And be it enacted*, That all policies of ensurance which shall be made by the corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall happen that there shall be just claims on the corporation, for losses sustained or other liabilities, to a greater amount than they have funds to discharge, in such case the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the corporation, or their representatives, according to the amount of each member's ensurance, which rates or assessments shall be approved of by a majority of the whole number of directors; and notice in writing shall be given by the secretary to each member, or his representative, of his assessment, and the amount by him, her, or them to be paid; and each and every member, or his representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof, shall forfeit double said rates and all their rights and claims to any policy that they may have obtained, and be no longer members of the corporation, but shall be liable to a recovery of the amount of such rate or assessments by action of debt, with costs of suit, in any court of competent jurisdiction.

Drafts on treasury, &c.

8. *And be it enacted*, That no money shall be drawn from

the treasury of the corporation, except for the purpose of paying damages in cases of loss by fire, and for other purposes, to be provided by the by-laws, rules, and regulations.

9. *And be it enacted*, That if any person ensured by the said corporation shall convey or assign the property ensured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but the corporation shall not be bound by such policy after such assignment, until the assignment shall have been recorded in the books of the corporation, and the same certified on such policy by the secretary

Transfers to be recorded.

10. *And be it enacted*, That any person or persons ensured by said corporation, may maintain an action at law against the same, for losses and damages due to him, her, or them from said corporation, if payment is withheld for more than ninety days after the amount of such losses shall have been ascertained, and the said corporation notified thereof; no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witness; *provided* the directors do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them.

Actions may be maintained, if payment is withheld.

11. *And be it enacted*, That this act shall not continue in force longer than twenty years, and it shall be lawful for the legislature at any time to amend, modify, or repeal the same; *provided*, that no contract made by said corporation before such repeal, shall be affected thereby; and the said corporation shall have a reasonable time to bring their accounts to a final settlement.

Limitation.

12. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, March 4, 1846.

AN ACT to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and of the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings.

Inhabitants of certain townships authorized to vote by ballot.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and of the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee consisting of five persons, a school committee consisting of three persons, as many justices of the peace as the township may be constitutionally entitled to elect, and an equal number of constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of the dog tax, and for the place of holding the next annual town meeting and the election of state and county officers.

Officers of election.

2. *And be it enacted*, That the judge of election elected at the last or any future town meeting, shall preside at and conduct the election at the next annual town meeting, and the clerk of the township shall be the clerk thereof; and the officers of said election shall be eligible to any office at said election, except that of justices of the peace.

Elections, how conducted.

3. *And be it enacted*, That the elections shall open at eight o'clock in the morning, and close at four o'clock in the after-

noon of the same day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Elections, how conducted.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committee shall, at their next meeting thereafter, fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Vacancies, &c., how supplied.

5. *And be it enacted*, That the clerk of the township shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the township; and when the town committee shall fill a vacancy, or elect, in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

Clerk of township to be clerk of town committee.

6. *And be it enacted*, That the overseers of the poor and school committee shall, at least ten days before the town meeting, prepare and lay before the town committee their annual reports, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and, at least five days before the town meeting, shall have copies thereof, and of the reports of the overseers of the poor and of the school committee, posted up in three of the most public places in the township, and an intelligible abstract thereof to be published in a newspaper circulating in said township.

Overseers of the poor to make annual reports.

7. *And be it enacted*, That the reports of the town commit-

Reports to be
filed.

tee, the overseers of the poor, and the school committee, shall be filed and preserved by the town committee: in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot-box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation, for the additional duties required by this act, as they may deem reasonable.

Provisions of
act extended.

8. *And be it enacted*, That the provisions of this act shall extend to the townships named in the first section thereof.

Act, when to
take effect.

9. *And be it enacted*, That this act shall take effect immediately.

Approved, March 14, 1846.



AN ACT to authorize the establishment, and to prescribe the duties of manufacturing companies.

Nature of certificate to be
made.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, exceeding four, to associate themselves into a company to carry on any branch or branches of lawful manufactures within this state, upon making a certificate in writing, under their hands and seals, setting forth:

First. The name assumed to designate such company, and to be used in its business and dealings;

Second. The place or places where the business of such company is to be conducted, and the kind or branch of manufactures to be carried on thereat;

Third. The total amount of the capital stock of such company, the amount with which they will commence business, and the number of shares into which the same is divided;

Fourth. The names and residences of the stockholders, and the number of shares held by each;

Fifth. The periods at which such company shall commence and terminate;

Which certificate shall be proved or acknowledged and recorded in a book to be kept for that purpose in the office of the clerk of the county where the office or place of business of such company shall be established; and, after being so recorded, shall be deposited and filed in the office of the secretary of state. Certificate to be recorded.

2. *And be it enacted*, That the said certificate, or copies thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places for and against any such company.

3. *And be it enacted*, That, upon making said certificate, and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall be, from the time of commencement fixed in said certificate, and until the time limited therein for the termination thereof, incorporated into a company, by the name mentioned in said certificate; *provided*, that the legislature may at pleasure dissolve any company created by virtue of this act. Company to be incorporated when certificate is filed.

4. *And be it enacted*, That all companies that may be hereafter established within this state under the provisions of this act, and also, the officers of every such company, and the stockholders therein, may exercise the powers, and shall be governed by the provisions, and be subject to the liabilities herein after provided.

5. *And be it enacted*, That every such company shall have power in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and change, alter, and renew the same at pleasure; and, by its corporate name, shall in law be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares, and merchandise, whatsoever, necessary or useful for said company to carry on their manufacturing operations, and all other real estate which shall have been bona fide mortgaged to the said company, by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decrees which shall be obtained for such debts; *provided always*, that no part of the funds of such company shall be used or employed at any time in banking operations, or for any other purpose inconsistent with the provisions of this act. Powers of corporations.

6. *And be it enacted*, That the business of every such manufacturing company shall be managed and conducted by the president and directors thereof, and such other officers, agents, Officers.

and factors as the company shall think proper to authorize for that purpose; and every such company shall have a secretary and treasurer.

Directors.

7. *And be it enacted*, That the directors shall not be less than three in number, and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws of the company, and shall hold their offices for one year and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the company, as shall be directed by the by-laws.

Duties of secretary and treasurer.

8. *And be it enacted*, That the secretary and treasurer shall also be chosen annually, either by the directors or the stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall be sworn to the faithful discharge of his duty, and shall record all the votes of the company and directors in a book to be kept for that purpose, and perform such other duties as shall be assigned to him; and the treasurer shall give bond in such sum, and with such sureties, as shall be required by the by-laws for the faithful discharge of his duty.

9. *And be it enacted*, That all other officers, agents, and factors of the company shall be chosen in such manner, and hold their offices for such terms, as shall be directed by the by-laws.

Companies to make by-laws.

10. *And be it enacted*, That every such company may make by-laws for their own regulation and government, with penalties for the breach thereof, not exceeding twenty dollars; *provided*, that such by-laws shall not be repugnant to the provisions of this act or to the constitution and laws of this state or of the United States.

Stockholders may vote by proxy.

11. *And be it enacted*, That at all meetings of the company absent stockholders may vote by proxy, authorized in writing; and every company may determine, by its by-laws, the manner of calling and conducting all meetings, what number of shares shall entitle the stockholders to one or more votes, what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting in order to constitute a quorum; and if the quorum shall not be so determined by the company, a majority of the stockholders in interest shall constitute a quorum.

Notice to be given of meetings.

12. *And be it enacted*, That the first meeting of every such company shall be called by a notice, signed by a majority of the persons named in the before mentioned certificate, and designating the time, place, and purposes of the meeting; and

such notice shall, three weeks at least before the time of such meeting, be published in some newspaper of the county where the corporation may be established, or if there be no newspaper in the county, then in a newspaper of an adjoining county.

13. *And be it enacted*, That every stockholder shall have a certificate, under the seal of the corporation, and signed by the treasurer, certifying his property in such shares as shall be expressed in the certificate. Stockholders to have certificate.

14. *And be it enacted*, That every such company may, at any meeting called for that purpose, increase its capital stock and the number of shares therein; *provided*, that the stock, when so increased, shall not exceed the total amount fixed in the original certificate. Company may increase its capital stock.

15. *And be it enacted*, That the shares of stock in every such company shall be deemed personal property, and shall be transferable on the books of such company in such manner as the by-laws may provide; and whenever any transfer of shares shall be made for collateral security, and not absolutely, the same shall be so expressed in the entry of said transfer. Shares transferable.

16. *And be it enacted*, That every such company may from time to time, at any legal meeting called for that purpose, assess upon each share such sums of money as two-thirds of the stockholders in interest shall direct, not exceeding in the whole the amount at which each share shall be originally limited under the third article of the first section of this act; and such sums so assessed shall be paid to the treasurer, at such times and by such instalments as the directors shall direct, said directors having given thirty days' notice of the time and place of such payment in a newspaper circulating in the county where such company is established. Notice to be given of payment of instalments.

17. *And be it enacted*, That if the owner or owners of any share or shares shall neglect to pay any sum or sums duly assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the treasurer of the company may sell, at public auction, such number of the shares of such delinquent owner or owners as will pay all assessments then due from him or them, with interest and all necessary incidental charges; *provided* two-thirds of the stockholders in interest shall so direct. Shares of delinquent owners to be sold.

18. *And be it enacted*, That the treasurer shall give notice of the time and place appointed for such sale, and of the sum due on each share, by advertising the same three weeks, successively, before the sale, in some newspaper circulating in the county where such company is established, and shall transfer such shares to the purchaser, who shall be entitled to a certificate therefor. Treasurer to give notice of time of sale.

Stockholders
liable for debts.

19. *And be it enacted,* That all the stockholders of every manufacturing company established under this act shall be jointly and severally liable for all debts and contracts made by such company, until the amount of the capital stock from time to time fixed and limited by the company in manner aforesaid, shall have been paid in, and a certificate thereof shall have been made and recorded in the clerk's office and published, as prescribed in the following section.

Certificate of
amount of stock
paid in.

20. *And be it enacted,* That the president and directors, with the secretary and treasurer of each company, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in; which certificate shall be signed and sworn, or affirmed to by the president, secretary, and treasurer and a majority of the directors, and they shall, within the said thirty days, cause the same to be recorded in a book to be kept for that purpose in the office of the clerk of the county wherein the manufactory is established, and also, to be published for three weeks in a newspaper circulating in said county.

Certificate of
increase of ca-
pital stock.

21. *And be it enacted,* That if any of the said companies shall increase their capital stock, as before provided in this act, the officers mentioned in the preceding section, within thirty days after the payment of the last instalment of such additional stock, shall make a certificate of the amount so added and paid in, and sign and swear, or affirm, to the same, and cause it to be recorded and published in the manner provided in the preceding section.

Officers liable
for debts in case
of neglect.

22. *And be it enacted,* That if any of the said officers shall neglect or refuse to perform the duties required of them in the two preceding sections, they shall be jointly and severally liable for all debts of the company contracted after the expiration of the said thirty days, and before such certificate shall be recorded as aforesaid.

Company may
reduce its capi-
tal stock.

23. *And be it enacted,* That every such company may, by a vote at any meeting called for that purpose, reduce its capital stock; and in such case a certified copy of the vote shall, within thirty days after the passing thereof, be recorded in the said book in the clerk's office for the county wherein the manufactory is established, and published for three weeks in a newspaper circulating in said county, and in default thereof, the directors of the company shall be jointly and severally liable for all debts of the company contracted after said thirty days, and before the recording of the copy of the vote as aforesaid.

24. *And be it enacted,* That if any part of the capital stock

of said company shall be withdrawn and refunded to the stockholders, before the payment of all the debts of the company contracted previously to the recording and publishing of a copy of a vote for that purpose, as prescribed in the preceding section, all the stockholders of the company shall be jointly and severally liable for the payment of the said last mentioned debts.

No part of capital stock to be withdrawn before payment of debts.

25. *And be it enacted*, That every such company shall give notice in the month of January, annually, in some newspaper circulating in the county where the manufactory is established, of the amount of stock actually paid in, and the amount of existing debts, and amount of all the assets of said company deemed good, which notice shall be signed by the president and a majority of the directors, and verified by their oaths or affirmations; and if any of the said companies shall fail so to do, all the stockholders of the company shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such notice shall be given.

Annual statement to be published.

26. *And be it enacted*, That if the directors of any such company shall declare and pay any dividend when the company is unable to pay its debts, or any dividend, the payment of which would render it so unable, they shall be jointly and severally liable for all the debts of the company then existing and for all that shall be thereafter contracted, so long as they shall respectively continue in office; *provided*, that the amount for which they shall be so liable shall not exceed the amount of such dividend; and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and, in case of being so absent or so objecting, shall file their objection in writing with the secretary of the company, and publish the same in a newspaper circulating in the county wherein the said company is located, such directors shall be exempted from the said liability.

Dividends not to be declared when company is unable to pay its debts.

27. *And be it enacted*, That no note or obligation given by any stockholder, whether secured by any pledge or otherwise, shall be considered as payment of any part of the capital stock; and no loan of money shall be made to a stockholder therein; and if any such loan shall be made to a stockholder, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable, to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

No loan to be made to stockholders.

28. *And be it enacted*, That the whole amount of the debts which any such company shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and in case of any excess, the directors under whose admin-

Debts not to exceed amount of capital stock paid in.

istration it shall happen shall be jointly and severally liable, to the extent of such excess, for all the debts of the company then existing, and for all that shall be contracted, so long as they shall respectively continue in office, until the debts shall be reduced to the said amount of the capital stock; *provided*, that any of the directors who shall be absent at the time of contracting any debt contrary to the foregoing provisions, or who, being present, shall object thereto, may exempt themselves from the said liability, by forthwith giving notice of the fact to the stockholders at a meeting, which they may call for that purpose.

Office of secretary to be kept in this state.

29. *And be it enacted*, That every corporation created under the provisions of this act shall keep the office of its secretary, together with its records and papers, at some place within this state.

Parol contracts binding.

30. *And be it enacted*, That parol contracts may be binding on any company created under the provisions of this act, if made by an agent duly authorized by a corporate vote or under the general regulations of the company; and contracts may be implied on the part of such corporation from their corporate acts, or those of an agent whose powers are of a general character.

Three stockholders may call meeting in certain cases.

31. *And be it enacted*, That whenever, for want of sufficient by-laws for the purpose, or of officers duly authorized, or from the improper neglect or refusal of such officers, or from other legal impediment, a legal meeting of any company cannot be otherwise called, three or more stockholders thereof may call a meeting of the company, by giving ten days' notice in a newspaper circulating in the county; and such meeting, so called, shall be a legal meeting of the company; and if there be no officers of the company present, whose duty it is to preside at meetings, the stockholders present may elect officers for the meeting; and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

Penalty for false representation.

32. *And be it enacted*, That if any certificate made, or any public notice given, by the officers of any manufacturing company in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, shall be jointly and severally liable for all the debts of the company contracted while they were stockholders or officers thereof.

Actions may be maintained against officers.

33. *And be it enacted*, That when any of the officers of any manufacturing company shall be liable, by the provisions of this act, to pay the debts of such company, or any part

thereof, any person to whom they shall be so liable may have an action on the case against any one or more of the said officers; and the declaration in such action shall state the claim against the company, and the ground on which the plaintiff expects to charge the defendants personally; and such action may be brought notwithstanding the pendency of an action against the company for the recovery of the same claim or demand; and both of the said actions may be prosecuted until the plaintiff shall obtain payment of his debt and the costs of both actions.

34. *And be it enacted*, That when any of the said officers or stockholders are liable, as mentioned in this act, for the debts of any such company, or any part thereof, the person to whom they are so liable may, instead of the other proceedings mentioned in this act, have his remedy against the said officers or stockholders by a bill in chancery.

Proceedings may be had in chancery.

35. *And be it enacted*, That any stockholder who shall, whether voluntarily or by compulsion, pay any debt of the company, for which he is made liable by the provisions of this act, may recover the amount so paid in an action on the case against the company, in which action the property of the company, only, shall be liable to be taken, and not the property of any stockholder of the company; or the stockholder who shall have so paid such debt of the company may file a bill in the court of chancery for contribution against any one or more of the stockholders who were originally liable with him for the payment of the said debts, and may recover against each of them their just and equitable proportion thereof, according to the number of their shares.

Stockholders may recover of company.

36. *And be it enacted*, That any officer of a manufacturing company who shall pay any debt of the company for which he is made liable by the provisions of this act, may recover the amount so paid in an action against the company for money paid for their use, in which action the property of the company, only, shall be liable to be taken, and not the property of any stockholder.

37. *And be it enacted*, That every agent or other person having charge of any property of such company, on request of any public officer having for service a writ of execution against such company, shall furnish the names of the directors, stockholders, and secretary thereof, and a schedule of all its property, including debts due or to become due to such company, so far as he may have knowledge of the same.

Agents to furnish schedule of property, &c.

38. *And be it enacted*, That if any such officer, holding an execution, shall be unable to find other property belonging to such company liable to execution, he or the judgment creditor

Proceedings in case no property can be found.

may elect to satisfy such execution, in whole or in part, by any debts due such company, not exceeding the amount thereof; and it shall be the duty of any agent or other person having the custody of any evidence of such debt, to deliver the same to the officer, for the use of the creditor; and such delivery, with a transfer to the officer in writing, for the use of the creditor, and notice to the debtor, shall be a valid assignment thereof; and such creditor may sue for and collect the same in the name of such company, subject to such equitable set-offs on the part of the debtor as may be in other assignments.

Penalty for refusal to comply with provisions of act.

39. *And be it enacted*, That every such agent or other person who shall neglect or refuse to comply with the provisions of the two preceding sections, shall be himself liable to pay to the execution creditor the amount due on said execution, with costs.

Executors, &c. not liable for debts of company.

40. *And be it enacted*, That no person holding stock in any manufacturing company, as executors, administrators, guardians, or trustees, and no person holding such stock as collateral security, shall be personally subject to any liabilities as stockholders of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estates and funds in the hands of such executors, administrators, guardians, and trustees shall be liable in their hands, in like manner, and to the same extent, as the deceased testator or intestate, or the ward or person interested in such trust fund would have been if they had respectively been living and competent to act, and had held the same stock in their own names.

Executors, &c. may vote.

41. *And be it enacted*, That every such executor, administrator, guardian, and trustee shall represent the share or stock in his hands at all meetings of the company, and may vote, accordingly, as a stockholder; and every person who shall pledge his stock, as aforesaid, may nevertheless represent the same at all such meetings, and may vote, accordingly, as a stockholder.

Time for settling up business after dissolution.

42. *And be it enacted*, That all corporations created under the provisions of this act, which shall expire by their own limitation, or shall be annulled by the legislature or otherwise, shall nevertheless be continued bodies corporate for the term of three years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such corporation may be established.

43. *And be it enacted*, That when any such company shall be dissolved, as mentioned in the preceding section, the chancellor, on application of any creditor or stockholder of such corporation, at any time within the said three years, may appoint one or more persons to be receivers of and for such corporation, to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the company, with power to prosecute and defend, in the name of the corporation or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to appoint an agent or agents under them, and to do all other acts which might be done by such corporation, if in being, that may be necessary for the final settlement of the unfinished business of the corporation; and the powers of such receivers may be continued beyond the said three years, and as long as the chancellor shall think necessary for the purposes aforesaid.

Chancellor may appoint receivers.

44. *And be it enacted*, That the chancellor shall have jurisdiction of said application, and of all questions arising in the proceedings thereon, and may make such orders, injunctions, and decrees therein, as justice and equity shall require.

45. *And be it enacted*, That the said receivers shall pay all debts due from the corporation, if the funds in their hands shall be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors who shall prove their debts in the manner that shall be directed by an order or decree of the court for that purpose; and if there shall be any balance remaining after the payment of said debts, the receivers shall distribute and pay the same to and among those who shall be justly entitled thereto, as having been stockholders of the corporation, or their legal representatives.

Receivers to pay debts of company, if funds are sufficient.

46. *And be it enacted*, That the provisions contained in this act may be amended or repealed at the pleasure of the legislature, and every company created under this act shall be bound by such amendments; but such amendment or repeal shall not take away or impair any remedy against any such corporation, its officers or stockholders, for any liability which shall have been previously incurred.

Act may be repealed, &c.

47. *And be it enacted*, That on the final dissolution of any corporation created under this act, all its real and personal estate, not legally disposed of, shall be vested in the individuals who may be stockholders at the time of such dissolution, in their respective proportions, and they shall hold the same as tenants or owners in common.

Property to be vested in stockholders in case of dissolution.

48. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, February 26, 1846.

AN ACT to relieve Catharine Rutan from a judgment upon a forfeited recognizance of bail.

Treasurer to enter satisfaction of record.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if Catherine Rutan shall pay unto Nathaniel Lane, esquire, late sheriff of the county of Passaic, the costs that have accrued in the proceedings which have been instituted in behalf of the state of New Jersey against Ellis E. Collins, and the said Catharine Rutan, as his surety, upon a recognizance of bail, the said sheriff shall desist from raising and making any further moneys on the execution in said case delivered to him; and thereupon the treasurer of this state is hereby authorized and directed to enter satisfaction of record of the judgment rendered against them, in favour of the state of New Jersey, in the supreme court of judicature of this state.

Act, when to take effect.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, February 26, 1846.

AN ACT to incorporate the Ætna Manufacturing Company.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garrick Mallery, Thomas C. Rockhill, Joseph Porter, Lawrence Lewis, Samuel V. Merrick, Benjamin W. Cooper, Edward Browning, Edward Smith, Jesse W. Starr, Nathan Sargent, and Philip J. Gray, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Ætna Manufacturing Company," for the purpose of making, forging, or manufacturing bar and other kinds of iron, from ore, pigs, blooms, or scraps, and for manufacturing nails, screws, wire, cutlery, and other articles of hardware, as well as all machinery used for such purposes, and for the transaction of such business as may be properly connected therewith; and may erect such buildings, mills, and other works, as may be required for carrying on such branches of manufacture and business; and they shall have power to raise by subscription a capital not exceeding eight hundred thousand dollars, in shares of five hundred dollars each; and that the business ope-

Styls.

rations of said company shall be conducted in the county of Camden, and not elsewhere.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate as may be required for the purposes of the said corporation, or such as they may be obliged or deem it for their interest to take in settlement or payment of any debt due by the said corporation, and may dispose of the same; and may sue and be sued in all courts of law or equity; may have and use a common seal, and make such by-laws for their regulation and government as they may see proper; *provided* the same are not inconsistent with the constitution and laws of the United States and of this state.

General powers.

3. *And be it enacted*, That the said corporation shall not go into operation until fifty thousand dollars of the capital stock shall be paid in gold or silver coin or current bank notes, and an oath or affirmation thereof shall be made by two or more of the associates named in the first section of this act, and filed in the office of the secretary of state.

Amount of capital stock.

4. *And be it enacted*, That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, or upon any pretence whatever, be divided among the stockholders for dividends, neither shall it be withdrawn or refunded to the stockholders until all debts and liabilities of the company are fully paid; and each stockholder shall, in the election of directors, have one vote for every share he holds in said company.

Stock transferable.

5. *And be it enacted*, That Garrick Mallery, Nathan Sargent, Benjamin W. Cooper, Edward Browning, and Philip J. Gray, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions amount to fifty thousand dollars, the stockholders, having had two weeks' notice in writing or in a newspaper published in the county of Camden, shall proceed to elect such directors and officers as they may deem necessary for conducting the affairs of the company, they to hold office until their successors shall be elected; and such directors, or their successors, shall have power to dispose of any remainder of stock which may not have been subscribed for, in such manner and at such times as they may deem fit.

Books of subscription to be opened.

6. *And be it enacted*, That in the month of May, annually, the directors shall submit to the stockholders a written statement, under oath or affirmation, of the amount of capital stock paid in, and the amount of all existing debts against the corporation or company, which statement shall be published in

Directors to make annual statement.

some newspaper circulating in the county of Camden; and no dividend shall be declared or paid to the stockholders, except it be from the net profits of the company; and the debts of the said corporation shall at no time be suffered to exceed the capital stock paid in.

Corporation not to be dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day designated for that purpose, the said corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, the same notice as is herein provided to be given being given of such election, the time, place, and day being designated in such notice.

Vacancies, &c., how supplied.

8. *And be it enacted*, That a majority of the directors for the time being shall constitute a quorum for doing business, and in case a vacancy should occur in the board, it shall be filled for the remainder of the term by the remaining directors.

Books of account to be kept.

9. *And be it enacted*, That regular books shall be kept of all receipts, disbursements, &c., and showing in a plain manner the operations of the company, to which books any stockholder may have access at all reasonable hours, for the purpose of inspection; books of transfer of stock shall also be kept.

Limitation.

10. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved, February 26, 1846.

AN ACT for the relief of Mary Budd, widow of George Budd, deceased, of the county of Camden.

Pension of \$30 granted to M. Budd.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be, and he is hereby authorized and directed to pay unto Mary Budd, widow of George Budd, deceased, late a soldier in the Revolutionary war, or to her order, the sum of thirty dollars.

per annum, during her natural life, in half-yearly payments of fifteen dollars each, the first payment to be made on the first day of March next.

Approved, February 26, 1846.

AN ACT to incorporate the Willingborough Manufacturing Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John W. Fenimore, Charles Stokes, Benjamin Ridgway, Richard F. Wilmerton, John Farnum, Charles Churchman, and James Martin, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Willingborough Manufacturing Company," for the purpose of manufacturing, bleaching, and printing all goods of which cotton or other fibrous materials form a part, and all the machinery incident thereto, and for the transaction of such business as may be necessarily connected therewith, and may erect such mills and other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription a capital of three hundred thousand dollars.

Names of corporators.

2. And be it enacted, That the said corporation may purchase and hold such real estate in the township of Willingborough, and county of Burlington, as may be required for the purposes of the said corporation; and may dispose of the same, and may sue and be sued in all courts of law and equity, may have and use a common seal, and make such by-laws for their regulation and government as they may see proper; *provided* the same are not inconsistent with the constitution and laws of the United States or of this state.

General powers.

3. And be it enacted, That the capital stock of the said corporation shall be divided into shares of one hundred dollars each; but as soon as fifty thousand dollars of the said capital shall have been subscribed and paid, in lawful money or current bank notes, and an affidavit thereof made by a majority of the directors to be chosen in pursuance of this act, and filed in the office of the secretary of state, then it shall and may be lawful for the said corporation to commence their business, and with that capital to conduct and carry it on, until they

When company can commence business.

shall find it expedient to extend their capital; which they are authorized to do from time to time to the amount herein before mentioned.

Stock transfer-
able.

4. *And be it enacted*, That the capital stock shall be deemed personal estate, and transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, nor under any pretence whatever, be divided among the stockholders for dividends, and no dividend shall be made or paid, except from the actual profits; and each stockholder shall, in the election of directors, have one vote for each share of stock he holds in said company.

Books of sub-
scription to be
opened.

5. *And be it enacted*, That John W. Fenimore, Charles Stokes, Benjamin Ridgway, Richard F. Wilmerton, John Farnum, Charles Churchman, and James Martin, or any three of them, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of the said corporation, first giving two weeks' notice, in a newspaper published at Mount Holly, in the county of Burlington, of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid; and as soon as the same shall be subscribed, to give a like notice for the meeting of stockholders to choose such directors, officers, and agents as may be deemed necessary for conducting the affairs of the company.

Books of ac-
count to be
kept.

6. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation; which books shall at all times be subject to the inspection of the stockholders of the company.

Directors to
make annual
statement.

7. *And be it enacted*, That in the month of May, in each year, the directors shall submit to the stockholders a written statement of the amount of capital stock paid in, and the amount of all existing debts against the company, which statement shall be published in some newspaper printed in the county of Burlington for the space of three weeks; and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent; and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in.

Restriction.

8. *And be it enacted*, That no part of the capital stock, or any of the lands of the said corporation, shall at any time during the continuance of this charter be used or employed, directly or indirectly, in banking operations, or for any purpose whatever inconsistent with the provisions of this act.

9. *And be it enacted*, That this act shall continue in force.

for the term of twenty years, and the said corporation shall ^{Limitation.} possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, as far as the same are applicable.

Approved, February 26, 1846.

Supplement to an act entitled, "An act to incorporate the Mutual Fire Insurance Company of Passaic," approved April third, eighteen hundred and forty-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section third of the act to which this is a supplement be, and the same is hereby so amended, ^{Former act amended.} that, after the passage of this supplement, five directors shall constitute a quorum for the transaction of business, and that at the next, and every subsequent election, nine directors shall be chosen, who shall transact the business of said company; and that section sixth of said act be, and the same is hereby so amended as to authorize the directors to require fifty per centum of the respective premium notes to be paid, anything in the said act to which this is a supplement to the contrary notwithstanding.

Approved, February 27, 1846.

AN ACT providing a mode of ascertaining the population of the township of Hope, in the county of Warren.

WHEREAS the people of the township of Hope, in the county of Warren, have petitioned that a mode may be provided ^{Preamble.} by law for ascertaining the present population of said township, in order to determine the number of justices of the

peace which it may be constitutional and lawful to elect therein—therefore,

Mode of making
enumeration.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Thomas Case, of the village of Hope, in said township, shall be, and he is hereby authorized, or in case of his refusal to do the same, then Alfred Mixsell, of the same place, is hereby authorized, to take and ascertain the number of inhabitants within the said township, according to the directions of this act; the said enumeration shall be made by an actual inquiry, in person, at every dwelling-house, or by personal inquiry of the head of every family, in said township; the said enumeration shall be completed and closed by the sixth day of April next ensuing, and the person taking the same, shall, on or before that day, prepare two copies of the accurate returns of all the inhabitants of said township, which shall be made in a schedule, and shall distinguish the several families by the name of the head thereof, and one copy thereof, duly attested, shall be filed with the clerk of the county of Warren, and remain of record in his office, and the other copy, also attested, shall be delivered to the township committee of the said township; and if the person taking the said enumeration should wilfully make a false return thereof, he shall forfeit the sum of two hundred dollars, to be recoverable in an action of debt, at the suit of the overseers of the poor of said township, for the use of the poor, in any court of competent jurisdiction; and the person taking the said enumeration, shall receive at the rate of two dollars for every hundred persons in said township by him returned.

Penalty for not
giving information,
&c.

2. *And be it enacted*, That each and every free person more than sixteen years of age, whether heads of families or not, belonging to any family in said township, shall be, and is hereby required and obliged to render to the person taking the said enumeration, if requested by him, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, on pain of forfeiting twenty dollars, to be sued for and recovered in an action of debt, by the person taking the said enumeration, the one half to his own use, and the other half to the use of the said township.

Oath of person
taking enumeration.

3. *And be it enacted*, That, before entering upon the said duty, the person taking the said enumeration under this act, shall take and subscribe the following oath or affirmation before some judge or justice of the peace resident in said township, as follows: "I, T. C., appointed by an act of the legislature of New Jersey, entitled, "An act providing a mode of ascertaining the population of the township of Hope, in the county of Warren," do solemnly swear (or affirm), that I will make a

just, faithful, and perfect enumeration of all persons resident within the said township, and make due return thereof, agreeably to the directions of the said act, according to the best of my ability; and that I will take the said enumeration by actual inquiry at every dwelling-house, or personal inquiry of the head of every family, and not otherwise."

4. *And be it enacted*, That the compensation to the person making the said enumeration, as designated in the first section of this act, shall be paid by the collector of said township, upon the certificate of the township committee, it being hereby made the duty of the assessor of said township to include the amount of said compensation in his assessments for the ensuing year.

Compensation,
how paid.

Approved, February 27, 1846.

AN ACT to divide the township of Amwell, in the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Amwell, in the county of Hunterdon, be, and the same is hereby divided into two separate and independent townships; and all that part of the said township of Amwell which lies west of the middle of the great road leading direct from Woodsville, by New Market and Rocktown, to the village of Ringoes, in said county, shall be, and is hereby set off into a separate township, to be called and known by the name of "the township of West Amwell;" and all that part of the said township of Amwell which lies east of the middle of the said great road leading direct from Woodsville, as aforesaid, to the said village of Ringoes shall be, and hereby is set off into a separate township, to be called and known by the name of "the township of East Amwell."

Boundaries of
West Amwell.

Boundaries of
East Amwell.

2. *And be it enacted*, That the inhabitants of the said township of West Amwell shall be, and they hereby are constituted a body politic-and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of West Amwell, in the county of Hunterdon;" and the inhabitants of the township of East Amwell shall be, and they hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabit-

Townships in-
corporated.

ants of the township of East Amwell, in the county of Hunterdon," and shall, respectively, be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Hunterdon are or may be entitled or subject to by the existing laws of this state.

First annual
town meeting.

3. *And be it enacted*, That the inhabitants of the township of East Amwell shall hold their first annual town meeting at the house of Charles W. Holcomb, at Wearts's corner, in the said township of East Amwell; and the inhabitants of the said township of West Amwell shall hold their first annual town meeting at the inn of John Menagh in the village of Mount Airy, in the said township of West Amwell; and the said townships of East Amwell and West Amwell shall hold their first, and all subsequent annual town meetings, on the day appointed by law for holding the annual town meetings in the other townships in the county of Hunterdon.

Town commit-
tees to divide
property.

4. *And be it enacted*, That the town committees of the townships of East Amwell and West Amwell shall meet on the first Monday after the next annual town meetings in said townships, at the inn now occupied by Amos Williamson in the village of Ringoes, in the said township of East Amwell, at ten o'clock in the forenoon of said day, and shall then and there, or as soon afterwards as may be, proceed by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships of East Amwell and West Amwell all the property and moneys on hand or due, in proportion to the taxable property and rates, as taxed by the assessor of the said township of Amwell at the last annual assessment; and the inhabitants of the township of East Amwell shall be liable to pay their just proportion of the debts, if any there be.

Settlement of
paupers.

5. *And be it enacted*, That, the said township committees of East Amwell and West Amwell shall, at their first meeting, or as soon after as may be, make division by writing, signed by a majority of the members of each township committee, of the paupers at that time chargeable to the said townships, according to the place of their legal settlement.

Act, when to
take effect.

6. *And be it enacted*, That this act shall take effect and be in force on and after the first Monday in April next.

Approved, February 27, 1846.

AN ACT to incorporate the Passaic Manufacturing Company at Newark.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Isaac Baldwin, John H. Stephens, Charles T. Day, James Keen, Isaac Van Wagenen, Beach Vanderpool, Charles S. Macknett, Joel W. Condit, Elihu Day, William Wright, William B. Kinney, and Samuel P. Mason, and their survivors, and all such persons as may hereafter be associated with them, or the said survivors and their successors, shall be, and they are hereby constituted a body corporate, by the name and style of "the Passaic Manufacturing Company at Newark," for the purpose of manufacturing cotton into yarn and goods by steam-power, with the right to manufacture cotton, flax, wool, iron, paper, and silk, and in printing and bleaching and dyeing goods, in the city of Newark, in the county of Essex, in this state, and of carrying on the business incident thereto; and the said company may hold such personal and real estate, situate in the city of Newark aforesaid, as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities.

Names of corporators.

Style and general powers.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by seven directors, being stockholders (one of whom shall be president), who shall hold their offices for one year and until others are chosen; and the said directors shall be chosen as soon as one hundred thousand dollars of stock is subscribed, as herein after provided, and on the first Monday of June in every year thereafter, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in Newark, in the said county of Essex; and each stockholder shall at such election be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the seven persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and fix such compensation

Time and mode of annual election of directors.

as they shall think fit, not less than a majority of the whole number [of directors being present when the same shall be done; and all vacancies occurring, by death, resignation, or otherwise, among the directors shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, and may be increased to four hundred thousand dollars, if the same shall become necessary; and the stock shall be divided into shares of fifty dollars each; but so soon as one hundred thousand dollars of the said capital stock shall have been subscribed, and twenty-five thousand dollars paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Essex, it shall be lawful for the said corporation to commence business; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published for the space of ten days in one or more newspapers printed in the said county of Essex, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened by Isaac Baldwin, John H. Stephens, and Charles T. Day, until the sum required shall be subscribed, and that they give at least ten days' notice of the same, in a newspaper published in the county of Essex, designating the time and place when and where the books of subscription are to be opened; and they are hereby authorized, by public notification in one of the public newspapers printed at Newark, to call the first meeting of the stockholders to elect directors of said corporation, at such time and place as they shall judge proper.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be

lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

7. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce by-laws. Powers and duties of directors.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose. Books of account to be kept.

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six. Limitation.

Approved, February 27, 1846.

AN ACT TO INCORPORATE A JOINT STOCK COMPANY FOR THE MANUFACTURE OF INDIA RUBBER GOODS.

AN ACT to incorporate a joint stock company for the manufacture of India rubber goods.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Horace H. Day, William Dunham, William Waldron, A. Sidney Doane, M. D., Lewis R. Stelle, Halsey Brower, and George Eldredge, and their associates and successors, be, and they are hereby made a body corporate, for the purpose of manufacturing India rubber, in all its various forms, and all goods and articles of merchandise of which India rubber can or may form a component part; and for the purpose of erecting, purchasing, and constructing all the machinery necessary and useful for such manufactory, and transacting all business connected therewith; which said corporation shall be known and designated by the name of "Day's India Rubber Manufacturing Company;" and the said company may hold such personal and real estate and property as may be necessary, useful, or convenient for the said corporation to carry on the aforesaid manufacturing operations, together with such other real estate as shall have been Names of corporations.

Style of incorporation.

bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of any debt or debts, liability or liabilities, previously created in their business, or purchased at any sale or sales upon any judgment or judgments which shall have been obtained for any such debt or debts, liability or liabilities; and may erect such mills, houses, and other works as they shall deem necessary to carry on the aforesaid manufacturing business, either in the county of Middlesex or Somerset, or both of said counties.

Time and mode
of annual elec-
tion of directors.

2. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be managed and conducted by five directors, being stockholders, three of whom, at least, shall be residents of New Jersey, who shall be chosen annually, on the first Monday in January or July, at such time and place as shall be designated by the by-laws of said corporation, whereof public notice shall be given, not less than ten days previous thereto, in one or more newspapers printed and published in the counties of Middlesex and Somerset; and at such election, each stockholder shall be entitled to as many votes as he or she shall hold shares of the capital stock of the said corporation; and the five stockholders having or receiving the greatest number of votes at such elections, shall be the directors of said corporation; which said directors shall choose one of their number as president, and may appoint such other officers, superintendents, and agents, and allow them such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and shall hold their offices for one year, respectively, and until other directors shall be legally elected to succeed them; and all vacancies, occasioned by death, resignation, or otherwise, among the directors of said corporation, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint from among the stockholders for that purpose.

Amount of ca-
pital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid in, in lawful money, and an affidavit thereof shall be made by a majority of the associates named in the first section of this act, and filed in the office of the secretary of state, it shall then be lawful for the said corporation to commence their said business, or any part thereof, and with that capital conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand

from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as the said directors shall deem proper; and if such payments shall not be made within thirty days next after the day fixed for that purpose by public notice, previously published for the space of two weeks, at least once in each week, in one or more newspapers published in said counties of Middlesex and Somerset, designating the proportion of each payment per share, the time when, the place where, and the officer to whom the same shall be required to be made, then and in that case each and every stockholder so neglecting or refusing to make such payments, shall forfeit to the corporation his, her, or their share or shares in said capital stock, and all previous payments thereon.

4. *And be it enacted*, That said Horace H. Day, William Dunham, William Waldron, A. Sidney Doane, Lewis R. Stelle, Halsey Brower, and George Eldredge, or any two of them, may open books and take subscriptions for the capital stock, first giving two weeks' notice, in one or more newspapers published in the counties of Middlesex and Somerset aforesaid, of the time, place, and object of said meeting; and the stockholders, at a meeting called in like manner, after a sufficient amount of capital stock shall have been subscribed and paid in, may proceed to elect, by a plurality of the votes of the stockholders present, in person or by their legal representatives, five directors, who shall hold their office, respectively, until the first Monday in January next ensuing the time of their said election and until others shall be legally chosen.

Books of subscription to be opened.

5. *And be it enacted*, That all the stock and property of the said corporation, of what kind or nature soever, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

6. *And be it enacted*, That in case at any time it should happen that an election shall not be made upon the day designated for that purpose by this act, the said corporation shall not be deemed to be dissolved for that cause; but it shall be lawful for the stockholders to hold such election on such other day or days as shall be prescribed by the by-laws of the said corporation, of which public notice shall be given, as provided in the second section of this act.

Corporation not dissolved for failure to elect on day designated.

7. *And be it enacted*, That a majority of the directors for the time being shall constitute a board for transacting the business of the said corporation, and shall have power to make and enforce by-laws.

Powers of directors.

8. *And be it enacted*, That the directors shall at all times

Transfers to be registered. keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of the said corporation; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept for that purpose.

Limitation. 9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved, February 27, 1846.

AN ACT to incorporate the Burlington Manufacturing Company.

Names of corporations. 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Richard B. Jones, William R. Allen, George Gaskill, James Eyre, Thomas Milnor, Ira B. Underhill, Garret D. Wall, Amor W. Archer, Thomas Dugdale, and Edmund Morris, and their associates and successors, shall be, and they are hereby made a body corporate, for the purpose of manufacturing, bleaching, dyeing, printing, and finishing all goods of which cotton or other fibrous materials form a part, as well as all machinery used for such purposes, and for the transaction of such business as may be necessarily connected therewith, by the name of "the Burlington Manufacturing Company;" and the said company may hold such lands, tenements, steam and water powers, and water privileges, in the city of Burlington, and also such personal estate, as may be necessary for their said business; and the said Richard B. Jones, William R. Allen, George Gaskill, James Eyre, Thomas Milnor, Ira B. Underhill, Garret D. Wall, Amor W. Archer, Thomas Dugdale, and Edmund Morris, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Style and general powers. 2. *And be it enacted*, That the capital stock of said company shall not exceed three hundred and fifty thousand dollars, to be subscribed for in shares of one hundred dollars each; and as soon as one thousand shares of said stock shall be subscribed for, the persons above named may, by public notice in

Amount of capital stock.

a newspaper printed in the city of Burlington, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of seven directors.

3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by seven directors, being stockholders, one of whom shall be president; and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors the stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of the election; and the said president and directors, or a majority of them, may make by-laws, and may appoint such officers, superintendents, agents, and workmen, with such compensation as they may think proper, and may remove the same at their pleasure.

Time and mode of annual election of directors.

4. *And be it enacted*, That as soon as twenty thousand dollars of the capital stock of said company shall have been paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Burlington, it shall and may be lawful for the said company to commence their business; and the said president and directors, or a majority of them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid, not exceeding ten dollars on each share for every one instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of six months after the expiration of the thirty days' notice as aforesaid, to pay his or their respective instalment or instalments on his or their respective share or shares, so called as aforesaid, then the stock of such stockholder or stockholders so neglecting or refusing; and all previous payments thereon, may be forfeited to the said company, for the use and benefit of said company.

When company may commence business.

5. *And be it enacted*; That the stock of the said company shall be deemed personal property, and shall be transferable on the books of the said company, or in such manner as shall be prescribed by the by-laws of said corporation.

Stock transferable.

Semi-annual dividends to be made. 6. *And be it enacted,* That a dividend of the profits of the said company (except so much thereof as shall be set apart for a surplus fund) shall be made semi-annually, by the said president and directors, among the stockholders; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books, to be kept by the president and directors for that purpose.

Vacancies, how supplied. 7. *And be it enacted,* That all elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall at any time neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors two or more stockholders shall receive an equal number of votes, then the directors for the time being shall determine, by ballot, which of such stockholders shall be directors; and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

Corporation not dissolved for failure to elect on day designated. 8. *And be it enacted,* That in case it should happen that an election for directors should not be held, or made on the day on which pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Limitation. 9. *And be it enacted,* That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, one thousand eight hundred and forty-six.

Approved, February 27, 1846.

AN ACT to annex part of the township of Independence, in the county of Warren, to the township of Hardwick, in said county.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That all that part of the township of Independence, in the county of Warren, north of a line beginning at the point where the line of the townships of Hope and Independence, in said county, crosses the road leading from Shiloh to Hackettstown, and thence a north-easterly course to a point where the line of the townships of Hardwick and Independence, in said county, crosses the road leading from Shiloh to Alamuchy, in said county, be, and the same is hereby set off and annexed to the township of Hardwick, in said county.

Part of Independence annexed to Hardwick.

2. *And be it enacted*, That this act shall take effect immediately.

Act, when to take effect.

Approved, February 27, 1846.

A further supplement to the act entitled; "An act to authorize the owners and possessors of a certain tract of woodland, therein named, to prevent horses, cattle, and sheep from running at large therein," passed February twenty-fifth, eighteen hundred and one.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That the boundaries of the tract authorized to be enclosed by the act to which this is a supplement be, and the same are hereby altered, and that the tract of land to be enclosed, and kept enclosed hereafter, by virtue of said act, be the tract bounded as follows: on the north, by a line beginning near the dwelling-house of Peter Riker Haring, where his north line meets the road leading from Sneedens Landing to Bergentown; thence easterly, along the line between said Peter Riker Haring and Jacob Riker, to land of Martin Parcells; and thence southerly, along the line between lands of Peter Riker Haring and Martin Parcells, to lands of William Ferdon; thence easterly, along the line between lands of William Ferdon, on the south, and the lands of Martin Par-

Boundaries of tract.

sels, James Oliver, and William Thompson, on the north, and in the direction of that line over lands of William Ferdon, to the line of lands of David Parsels; thence southerly, along the line between lands of William Ferdon and David Parsels, and of Jacob J. Ferdon and David Parsels, to the south line of David Parsels' land, and thence along David Parsels' south line, easterly, to the Hudson river; on the east by the Hudson river; on the south by a line beginning on the north side of the road laid out through said enclosed tract, at or near a small house of Matthew Bogert; and thence running easterly, along the north side of said road, to the line between John Vervalen and Seba Bogert; thence, along said Vervalen's line, easterly, to lands of Rachel Kearney; thence northerly, along the east line of lands of Cornelia Jochem and John Cole, to lands of John Dubois; thence westerly, along the line between lands of John Cole and John Dubois, to the line between lands of John Dubois and Henry Montanye; thence northerly, along that line, to the line between the lands of Henry Montanye and David Jordan; thence westerly, along the line between lands of David Jordan and Henry Montanye, to lands of David Doremus; thence northerly, along the line between lands of David Doremus and David Jordan, to lands of John A. Ferdon; thence easterly, along lands of John A. Ferdon, David Jordan, and Claus Thompson, to Hudson river; and on the west by the enclosed lands, as now actually fenced in and enclosed by the owners of the same, lying between said tract or enclosure and said road leading from Sneedens Landing to Bergentown; and that the owners and possessors of lands lying within this above described bounds, and each of them, and the persons by them elected by virtue of the fourth section of the act to which this is a supplement, and each of them, shall have all the rights, powers, and privileges, and shall be subject to the same duties, assessments, and burthens, as are by said act, to which this is a supplement, given to or imposed upon the owners or possessors of land lying within the bounds in the first section of said act described.

Owners to put
up fences;

2. *And be it enacted*, That when good and lawful fences, close, strong, and sufficient to prevent, horses, neat cattle, and sheep from going through or under the same, shall be erected along the above mentioned south boundary line of said tract to the edge of the Palisadoes or steep rocks near the Hudson river, and along the above mentioned north boundary line of said tract, from the edge of the Palisadoes until it meets the fence of lands now actually fenced in by the owners thereof, at the west side of said tract, the said tract of land above mentioned shall be considered enclosed, and from thenceforth it shall not be lawful for any person or persons to drive or let in any horses, .

mules, cattle, or sheep, with intent to run at large in said tract, or to permit or suffer any horses, cattle, or sheep to run at large therein.

3. *And be it enacted*, That if, after the said tract is enclosed as aforesaid, any person shall turn or let in said tract any horses, mules, cattle, or sheep, with intent to run at large therein, or shall permit or suffer any of his horses, mules, cattle, or sheep, to run at large in said tract, or any part thereof, it shall and may be lawful for any owner, possessor, or claimant of any part or share of any part of any lands lying within the above bounds to sue for and recover, in an action of trespass, to be brought in any court of competent jurisdiction, from the person so turning or letting in said horses, mules, cattle, or sheep, or from the owner of such horses, mules, cattle, or sheep, so suffered or permitted to run at large in said tract, the sum of one dollar for each head of horses, mules, cattle, or sheep, so turned or let in, or suffered or permitted to run at large in said tract, with costs of suit; or it shall and may be lawful for any person, whatever, to take any horses, mules, cattle, or sheep, found running at large upon any part of said tract, and drive them to any public pound in the township of Harington, and deliver such beast or beasts to the public poundkeeper, and within twenty-four hours thereafter to deliver to such poundkeeper an affidavit that such beast or beasts were found running at large on said tract, to be taken before any person authorized by law to administer oaths; and that said affidavit, in any suit by or against said poundkeeper, shall be conclusive evidence of the facts therein contained, and in any suit by or against said person, so taking said beasts, shall be prima facie evidence thereof; and it shall be the duty of said poundkeeper to receive said beast or beasts, and to collect and receive from the owner or owners of the same, the sum of one dollar per head, to be paid by him to the managers elected by the owners of said tract, for the benefit of said owners, and also, for himself and the person so taking said beasts, the fees for conveying to pound, impounding, feeding, and letting in and out the pound, as are allowed by the twelfth section of the act entitled, "An act to regulate fencibles," passed January twenty-third, seventeen hundred and ninety-nine; and in case said beasts shall not be redeemed within four days after the same are impounded, by such payment of one dollar per head and fees as aforesaid, then said poundkeeper shall proceed to advertise and sell said beasts, in the same manner as is directed by the twelfth section of said "Act to regulate fencibles" in regard to beasts impounded by virtue of the provisions in said act; and, after paying out of the proceeds of such sale said sum of one dollar per head, and retaining all fees.

Penalty for trespassing.

Proviso.

allowed by said act for conveying, impounding, letting in and out of pound, feeding and selling said beasts, he shall pay the surplus of said sales in the same manner as is directed by said act; *provided*, that no suit for trespass shall be brought if the beasts shall have been impounded for the same trespass, and that the remedies given by this act shall not interfere with the right of the owner of any lands in said enclosure to recover the actual damage done to his lands.

Committee to view fences.

4. *And be it enacted*, That it may be lawful for said owners or managers, or any one of them, after they shall have erected the fences by this act required, to call any two of the township committee of the township of Harington, not interested in lands in said tract, to view said fences, and if said township committeemen shall find fences erected along the north and south lines of said tract, in the manner required by this act, they shall so certify under their hands and seals; and said certificate, if acknowledged or proved, as conveyances are required by law to be for the purpose of being recorded, may, with the certificate of proof or acknowledgment, be recorded by the clerk of the county of Bergen in the book of records of deeds for said county; and said certificate, so acknowledged, or record thereof, or a certified copy of said record, shall, without further proof, be received in evidence in any court in this state, and shall be conclusive evidence that said fences have been erected in the manner prescribed by this act.

Part of former act repealed.

5. *And be it enacted*, That so much of the act to which this is a supplement, and of the former supplement thereto, as are contrary to the provisions of this act, be, and the same are hereby repealed; and this act shall go into effect immediately.

Approved, February 27, 1846.

AN ACT to incorporate the Newark Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Porter, Paul Spofford, Thomas Tileston, John P. Nesmith, John Taylor, and their survivors, and all such persons as may hereafter be associated with them, or the said survivors and their successors, shall be, and they are hereby constituted a body corporate, by the

name and style of "the Newark Manufacturing Company," for the purpose of manufacturing cotton goods by steam, in or near Newark, in the county of Essex, in this state, and of carrying on the business incident thereto; and the said company may hold such personal and real estate, situate in or near the city of Newark aforesaid, and not exceeding fifty acres, as may be necessary or useful for their said business, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities.

Style and general powers.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by five directors, being stockholders (one of whom shall be president), who shall hold their offices for one year and until others are chosen; and the said directors shall be chosen on the first Monday of June, in every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in Newark, in the said county of Essex; and each stockholder shall at such election be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the five persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and fix such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and that the said Charles Porter, Paul Spofford, Thomas Tileston, John P. Nesmith, and John Taylor, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in June next and until others are legally chosen.

Time and mode of annual election of directors.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, and may be increased to five hundred thousand dollars, if the same shall become necessary; and the stock shall be divided into shares of one hundred dollars each; but so soon

Amount of capital stock.

the south bounds of said road, eastwardly, to Monmouth county line; then (seventh) northwardly, by Burlington and Monmouth county line, to the middle of the stream above Wilkins's (late Hartshorn's) mill; thence (eighth) in a straight line, westwardly, to the west bounds of the public road leading from Juliustown to Brown's mill, where the road intersects with the eastwardly line of Henry Smith's land; and from thence (ninth) along said road, northwardly, to the Springfield line; then (tenth) along the Springfield line; westwardly, to the place of beginning, shall be, and is hereby set off into a separate township, to be called and known by the name of "the township of Pemberton."

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Pemberton shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Pemberton, in the county of Burlington;" and shall, respectively, be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subject to by the existing laws of this state.

Time and place of holding first town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Pemberton shall hold their first annual town meeting at the house of Daniel T. Bennett, in the said township of Pemberton, on the second Tuesday of March next ensuing, and all subsequent annual town meetings, on the day appointed by law for holding the annual town meetings in the other townships in the county of Burlington.

Town committees to divide property.

4. *And be it enacted*, That the township committees of the townships of Northampton, Southampton, New Hanover, and Pemberton shall meet on the first Monday in May next, at the house of Daniel T. Bennett, in the borough of Pemberton, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessors within their respective limits at the last assessment, and may adjourn the said meeting from time to time, as a majority of those present may think proper; and the inhabitants of the township of Pemberton shall be liable to pay their just proportion of the debts, if any there be; and if any of the persons composing either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the decision of a majority of those present shall be final and conclusive.

5. *And be it enacted*, That this act shall take effect on the second Tuesday in March, eighteen hundred and forty-six. Act, when to take effect.

Approved, March 2, 1846.

AN ACT to authorize David La Tourette to erect and build docks, wharves, and piers in front of the land now owned by him, known as "Good Stay," in the county of Hudson.

WHEREAS David La Tourette, of Bergen Point, in the county of Hudson, hath by his petition represented that he is the owner in fee of a certain tract of land situate at Bergen Point, in the county of Hudson, extending down to the waters of the Kill-Van-Kull, which parts Staten Island from the state of New Jersey, known as "Good Stay;" and that he has improved the same, at a large expense, for the purpose of establishing a ferry between Bergen Point and Port Richmond, on Staten Island, and hath prayed that a law may be passed authorizing him to erect and build suitable docks, wharves, and piers in front of the said tract of land, below low water mark, for the purposes of said ferry—therefore,

Preamble.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David La Tourette, of Bergen Point, in the county of Hudson, be, and he is hereby authorized and empowered to erect and build all such docks, wharves, and piers in front of the land now owned by him, situate at Bergen Point, in the county of Hudson, and known as "Good Stay," as may be necessary and suitable for the purposes of a ferry across the Kill-Van-Kull, which parts Staten Island from New Jersey, and to extend the same below low water mark in the said Kill-Van-Kull, as far as may be requisite or necessary for said purposes, and to reclaim and improve the lands under water in front of said tract of land, so far as may be necessary for the purpose of wharves or docks, and to hold and enjoy the same to him, his heirs and assigns for ever; and to lay vessels along said docks, wharves, and piers, and to charge dockage or wharfage therefor; *provided however*, that nothing herein contained shall be so construed as to impair the legal rights of any persons or corporations whatever, or to authorize the said David La Tourette to

D. La Tourette authorized to build dock.
Previous.

build upon or reclaim the lands covered with water lying in front of the land of any other person or persons owning down to the said Kill-Van-Kull; *and provided also*, that nothing herein contained shall be so construed as to authorize him so to improve or reclaim the lands under water in front of his own shore, so as to intercept or interfere with the navigation of the said Kill-Van-Kull.

Approved, March 4, 1846.

AN ACT to incorporate the Rocky Hill Mining and Manufacturing Company.

Preamble.

WHEREAS James Crawford has, in behalf of himself and his future associates, by his petition set forth, that he is proprietor, by lease and in fee, of certain tracts of land in the county of Somerset, and state of New Jersey, containing mines of copper and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of enabling them to work the said mines, and any other mines they may hereafter possess in said county; and also to manufacture the ores thereof, in such manner as they may think proper—therefore,

Style and general powers.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That James Crawford, and such others as may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the Rocky Hill Mining and Manufacturing Company;" and the said company shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Tuesday of January, at such time of the day and at such place, in the state of New Jersey, as the by-laws of the said

corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the county of Somerset, and in one printed in the city of New York; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

Vacancies, &c.,
how supplied.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Corporation not
to be dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars, and that a share in the said stock shall be one hundred dollars; but so soon as twenty-five thousand dollars of the said capital stock shall be subscribed and paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county of Somerset, it shall be lawful for the said corporation to commence business; and it shall also be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspapers before mentioned.

Amount of ca-
pital stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United

Directors, their
powers and du-
ties.

pairs, and erections can be done and made, for the useful and successful operation of the said railway ; and also, to build and construct all such piers, bulk-heads, and abutments as may be necessary or desirable to aid in the accomplishment of the purpose of this act, the same to be situated in the county of Monmouth, and township of Shrewsbury, in this state ; and the said company may hold lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and all other real estate which shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts, and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company ; and the said corporation shall have the power to lease or hire such lands, tenements, and hereditaments as may be necessary and convenient to carry into effect the objects of the said company.

Time and mode
of annual elec-
tion of directors.

2. *And be it enacted,* That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year ; the election for said directors shall be held in the township of Shrewsbury, in said county of Monmouth, at such time and place in said township, and in such manner, as shall be directed by this act and by the by-laws of this corporation ; public notice shall be given of the election, not less than twenty days previous, in a newspaper printed and published in this state nearest the place where the said election shall be held ; the said election shall be made by such of the stockholders of this corporation as shall attend for that purpose, in their proper persons or by proxy ; all elections for directors shall be by ballot ; each stockholder shall be entitled to one vote for every share by him held, not exceeding five shares, and one vote for every additional five shares ; the candidates having the greatest number of votes, being stockholders, shall be directors ; the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall be held and another board of directors chosen ; the directors so chosen may appoint such officers and superintendents as they may deem expedient, at such compensation as they may think proper, and remove the same at pleasure, which said appointments, removals, and compensation shall be made and ordained when not less than a majority of the whole number of directors shall be present ; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors, offi-

cers, or superintendents, such vacancy shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

3. And be it enacted, That three directors shall form a board for the transaction of the business of the said corporation, and shall have power to ordain and establish by-laws; and the said board of directors shall from time to time declare dividends of so much of the net profits of said corporation as they may deem advisable; but no part of the capital stock shall be divided during the continuance of this charter.

Powers and duties of directors.

4. And be it enacted, That in case it should so happen that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Corporation not dissolved for failure to elect on day designated.

5. And be it enacted, That Jacob Gestner, Jesse Hanford, Taber Chadwick, William Vanschoick, and Richard Borden shall be, and they hereby are declared to be the directors of the said corporation from the passage of this act until an election is held, as provided by this act, and, as such directors, shall have all the powers conferred upon the directors of this corporation by this act.

First directors.

6. And be it enacted, That the capital stock of the said corporation shall be limited to the sum of five thousand dollars, to be divided into shares of twenty-five dollars each; the said company shall have liberty to commence business as soon as eight hundred dollars shall have been paid in, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Monmouth; shall be capable of taking and holding the said capital stock of eight hundred dollars, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if the board of directors of this corporation shall deem such enlargement expedient, till the said capital stock amount to the sum of five thousand dollars as aforesaid; the subscription to the capital stock shall be received by Jacob Gestner, John I. Barkalow, and Milton Barkalow, or any two of them; which said commissioners, or any two of them, shall open books of subscription at the house of Thomas Hamond, giving twenty days' notice, in a newspaper published at Freehold, in said county of Monmouth, of the time and place when and where said books shall be open, and the said books shall be kept open for the space of ten days; upon closing the said books of subscription, or within five

Amount of capital stock.

days thereafter, the said commissioners shall pay over to the said directors the whole amount of money which they, or any of them, may have received upon the said subscription; and it shall be lawful for the directors of the said company to demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions, not exceeding the sum of ten dollars on each share at any one time, as they shall deem proper, giving at least thirty days' previous notice, under pain of forfeiting the said shares of said stockholders and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in a newspaper published at Freehold, in the county of Monmouth; but no two instalments shall be required to be paid within thirty days of each other.

Stock transfer-
able.

7. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be issued in such form, and be transferable in such manner, as shall be prescribed by the by-laws of said corporation.

Transfers to be
registered.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which books shall, at all times during business hours, be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the said corporation for that purpose.

Restrictions and
general powers.

9. *And be it enacted*, That the corporation hereby created shall continue twenty-five years, and shall possess the general powers, and be subject to the restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved, March 4, 1846.

AN ACT to incorporate the Elizabethtown Steam Manufacturing Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Jacob D. Edwards, John J. Chetwood, John O. Stearns, Abel S. Hetfield, Meline W. Halsey, Cyrus Manvel, and John Stiles, junior, and their associates and successors, be, and they are hereby constituted a body corporate, by the name of "the Elizabethtown Steam Manufacturing Company," for the purpose of erecting and creating steam-power, and using and applying the same in manufacturing and mechanical operations in the township of Elizabeth, in this state; and the said company may hold such personal and real estate as may be necessary for their said business, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities.

Names of corporators.

Style and general powers.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by seven directors, being stockholders (a majority of whom shall be citizens and residents of this state, and one of whom shall be president), who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the said township of Elizabeth; and each stockholder shall, at such election, be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving in such election the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election, shall hold their offices until other directors are legally elected to succeed them; and the directors so chosen may appoint such officers, superintendents, and agents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and the said Jacob D. Edwards, John J. Chetwood, John O. Stearns, Abel S. Het-

Time and mode of annual election of directors.

First directors:

field, Meline W. Halsey, Cyrus Manvel, and John Stiles, junior, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in April next and until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as twenty thousand dollars of the said capital stock shall have been subscribed and paid in lawful money, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Essex, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published for the space of thirty days in in one or more newspapers printed in said township, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened from time to time, until the sum required shall be subscribed, under the direction of the board of directors, or such of the directors as shall be designated by the board for that purpose, first giving two weeks' notice of the time and place of opening said subscription in a newspaper printed in said township.

Stock transferable.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Powers and duties of directors.

6. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president for that purpose. Transfers to be registered.

8. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six. Limitation.

Approved, March 4, 1846.

AN ACT to incorporate the Miners, Manufacturers, and Farmers Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel B. Halsey, Andrew B. Cobb, Cornelius G. Garrison, Thomas Rogers, Henry C. Stimson, Elias B. D. Ogden, Philemon Dickerson, Jacob M. Ryerson, Freeman Wood, Elijah D. Scott, and Andrew I. Smith, and such other persons as may hereafter be associated with them, shall be, and they hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Miners, Manufacturers, and Farmers Railroad Company;" and, by that name, they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels necessary or expedient to the objects of this corporation, and shall be clothed with all the rights, powers, and privileges pertaining to corporate bodies and requisite for the purposes aforesaid. Names of corporations.

2. *And be it enacted*, That the capital stock of said company shall be six hundred thousand dollars, and shall be divided into shares of fifty dollars each; which shall be deemed Style of incorporation.

Amount of capital stock.

personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Books of subscription to be opened.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times and place or places, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one or more newspapers printed in Paterson, Morristown, and Newark, and in a newspaper printed in the city of New York; and that the said books shall be kept open for three days at least, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock hereby authorized, it shall be the duty of the said commissioners, or a majority of them, to apportion the stock among the subscribers, in proportion to their subscriptions; but no apportionment shall be made of any subscription for five shares or less.

Time and mode of annual election of directors.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock, or a majority of it, shall be subscribed for, and the apportionment made (if the same become necessary), it shall be lawful for the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; and such election shall be made by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall be residents in this state; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or

removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

5. *And be it enacted*, That in case an election of directors should not be made during the day when by this act it ought to have been made, the said corporation shall not be deemed to be dissolved, but such election may be afterwards held according to law, on notice as aforesaid; and the directors for the time being shall continue in office until an election shall take place.

Corporation not dissolved for failure to elect on day designated.

6. *And be it enacted*, That five directors of said corporation shall be a quorum to transact business; and they shall have power to call in the remainder of the capital stock, by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct, and in case of the non-payment of any such instalment, to forfeit the share or shares upon which such default shall arise; and shall have power to appoint a secretary, treasurer, engineers, agents, and such workmen as may be required to transact the business of the company, with such compensation to them and the president as the board shall deem proper, and to take from the treasurer sufficient security for the due performance of his trust; and further, to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper; *provided* the same be not repugnant to the laws or constitution of this state or of the United States.

Powers of directors.

7. *And be it enacted*, That the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, from a suitable point or points in Dover, in the county of Morris, passing through or as near to, as the nature of the ground will admit, Rockaway, Denville, Powerville, Boonton, Parcippany, Troy, Pine-brook, and Little-falls, to some suitable point upon the Paterson and Hudson river railroad, in the township of Paterson, in the county of Passaic, and continue the same to Stanhope, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route of such railroad, and of locating the same; and when the route and the location of said road shall

Route and description of road.

have been determined upon, and a survey thereof deposited in the office of the secretary of state, it shall then be lawful for said company, by its officers, engineers, agents, contractors, and workmen, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and do all other things which may be suitable and necessary for the completion and repairs of the said railroad, and to carry into full effect the object of this act; and may also take and use any stone, gravel, sand, clay, or other materials, wood and timber excepted, on or near the said route, which may be required for the construction of, repairing, or altering the said road, or any of the works or appendages, subject to such compensation to be made therefor as is herein after provided; *provided always*, that the payment of all damages for the occupancy of lands through which the said railroad may be laid out and located, be made by the company, either to the owner or into court, as herein after provided for, before they, or any person under their direction or in their employ, shall enter upon or break ground upon the premises, excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands shall be first had in writing.

Proceedings in
case corpora-
tion cannot a-
gree with own-
ers of land, &c.

8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the jus-

tice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisal of the value of the same, and assessment of damages to be paid by the company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after the demand made of their treasurer, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *provided always*, that should the said company, or the owner or owners of any land or materials, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein said lands or materials shall be.

9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof; and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like

Appeal from decision of commissioners.

proceedings shall be had, and the like process awarded for the trial thereof, by a jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect, as in any action of trespass or on the case prosecuted in the said court, and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or, upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or, upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs, and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient to authorize the company to take possession of and use the said land or materials; *provided* the amount of the said judgment shall first be paid to the party or parties recovering the same, or upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof.

In certain contingencies to whom damage to be paid.

10. *And be it enacted*, That in case any owner or owners of any such required lands or materials so appraised, or in favour of whom damages may have been so assessed, shall be feme covert, under age, non-compos mentis, or resident out of this state, or shall refuse to receive the amount so awarded or assessed, then and in any such case the said company shall pay the amount or amounts so awarded to the last mentioned owner or owners, respectively, or the damages so assessed into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners or of the said person or persons so damaged; which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or person damaged, or paid into the circuit court under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner herein before provided.

Company to make bridges, &c.

11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the pass-

age of carriages, horses, and cattle on the said road shall not be prevented thereby; and where the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon-ways over or under the said railroad, so that persons may conveniently pass the same.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on their railroad, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient, and right.

Company authorized to construct engines, &c.

13. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, of the net profits of the said railroad.

Company to make dividends.

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company any sum, not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, with costs of suit, in any court having competent jurisdiction, and also shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass.

Penalty for injuring works.

15. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding four acres at each place, and may erect and build thereon houses, warehouses, stables, machine-shops, and such other buildings and improvements, as they may deem expedient for the safety of the property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain, on the river Passaic and such other streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions.

What real estate company may hold.

16. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be so constructed

Road free for passage of any railroad carriage, on payment of toll.

and so regulated, as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company nor injure the said road.

Time of commencement and completion of road.

17. *And be it enacted*, That if the said railroad shall not be commenced in two years from the fourth day of July next, and completed at the expiration of ten years from the same time, that then and in that case this act shall be void.

Restrictions.

18. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

State to have the privilege of taking road, &c., on payment of valuation.

19. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and the appendages thereof; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said railroad, with the lands and appendages thereof.

20. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight, or passengers between the northern termination of this road and the Hudson river opposite to the city of New York, or between any intermediate point or points on the line thereof, and to enforce the fulfilment of such contracts.

Company authorized to contract with other corporations for transportation, &c.

21. *And be it enacted*, That it shall be lawful for the said company to construct, or to permit to be constructed under this charter, a branch railroad to Pompton from a suitable point on the main road, to be of the same or less width with the main road; and the like privileges and immunities, provisions and restrictions, shall be extended for the construction and use of such branch, as apply to the main line.

Branch road authorized.

22. *And be it enacted*, That it shall be lawful for the said company to demand and receive, for carrying each passenger over said main road, at the rate of four cents per mile, and for the transportation thereon, of every species of property and freight, at the rate of six cents per ton per mile; and where passengers or freight are carried upon said road in vehicles, and by means not belonging to the company, they may demand and collect, as tolls therefor, at the rate of two cents per mile per passenger, and at the rate of four cents per ton per mile.

Rates of toll.

23. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, in the office of the secretary of state; and annually thereafter, the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and as soon as the net proceeds of said road shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid, annually thereafter, on the first Monday of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Annual statement of costs to be made.

24. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, modify, or amend this act, whenever in their opinion the public good shall require it.

Act may be amended.

Approved, March 4, 1846.

A supplement to an act entitled, "An act to incorporate the Passaic Navigation and Manufacturing Company," passed March seventh, eighteen hundred and thirty-six.

Part of former
act amended.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twentieth section of the act to which this is a supplement be, and the same is hereby so amended as to extend the time of ten years, therein mentioned, to twenty years, anything in the said act to which this is a supplement to the contrary notwithstanding.

Approved, March 5, 1846.

AN ACT to establish a new township in the county of Salem, to be called the township of Upper Pittsgrove.

Boundaries of
township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Pittsgrove, in the county of Salem, contained within the following bounds, that is to say: beginning at the north-westerly corner of the county of Cumberland, at a place known by the name of Newkirk's Corner, and runs thence along the line between the counties of Salem and Cumberland south, forty-seven degrees east, one hundred and two chains and thirty links, to a stake in said line and on lands of John Stull; thence north, forty degrees and forty minutes east, five hundred and forty-five chains, to the Gloucester and Salem county line; thence, along the said line, to the head of Oldmans creek; thence down the said creek, the several courses thereof, to the corner of Pilesgrove township; thence, along the line of said Pilesgrove township, to the corner of Pilesgrove and Upper Alloways Creek townships; thence, along the line of Upper Alloways Creek, to the place of beginning, shall be, and hereby is set off from the township of Pittsgrove, in the county of Salem, to be called and known by the name of "the township of Upper Pittsgrove."

Inhabitants in-
corporated.

2. *And be it enacted*, That the inhabitants of the township of Pittsgrove are constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of Upper Pittsgrove, in the county of Salem," and shall be entitled to all the rights, powers, au-

thorities, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in said county of Salem are or may be entitled or subject to by existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Upper Pittsgrove shall hold their first annual town meeting at the Pole tavern, in said township of Upper Pittsgrove, on the second Tuesday in March, one thousand eight hundred and forty-six.

Time and place
of holding first
town meeting.

4. *And be it enacted*, That the town committees of the townships of Upper Pittsgrove and Pittsgrove shall meet, on the Monday next after the annual town meeting in the said townships of Upper Pittsgrove and Pittsgrove, at the inn of John Stevenson, at Pittstown, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment; and the inhabitants of the township of Upper Pittsgrove shall be liable to pay their just proportion of the debts, if any there be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Town commit-
tees to divide
property.

5. *And be it enacted*, That this act shall go into effect on the second Tuesday in March, eighteen hundred and forty-six.

Act, when to
take effect.

Approved, March 6, 1846.

A further supplement to an act entitled, "An act authorizing the banking and improving of certain marsh, meadows, and swamps, in the township of Fairfield, in the county of Cumberland," passed the first day of February, eighteen hundred and sixteen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders

Payment for
dam authorized.

of the county of Cumberland are hereby authorized and required to pay unto James B. Parvin, William Moore, and Benjamin Rush Bateman the sum of thirty dollars; which sum they expended in cutting the dam, as required of them by the supplement to the before mentioned act, approved April first, eighteen hundred and forty-five.

Approved, March 6, 1846.

AN ACT to extend the southern boundary line of the township of Millstone, in the county of Monmouth.

Boundaries of township. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the southern boundary line of the township of Millstone, in the county of Monmouth, shall commence in the public road one rod west of Britton's tavern, and shall run thence south, six degrees and thirty minutes east, as the needle pointed in February, eighteen hundred and forty-four, over Sugar-loaf Hill to the Ivanhoe, and thence continue the same course to the middle of the Mount Holly road; thence north-easterly, along the middle of the same, to the point in said road where the line of Millstone, at its formation, struck the said road; and all that part of the township of Jackson, in the county of Monmouth, lying northward of the aforesaid bounds, shall be, and the same is hereby set off from the said township of Jackson, and annexed to the township of Millstone, in said county.

Act, when to take effect. 2. *And be it enacted,* That this act shall take effect immediately.

Approved, March 6, 1846.

AN ACT to provide for the assessment and collection of taxes in the township of Acquackanonk, in the county of Passaic.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the assessors of the several townships in the county of Passaic, to take an account of the ratable property in the said several townships, between the twentieth day of April and the twentieth day of June, in each year hereafter.

Time for taking account of ratables.

2. *And be it enacted*, That the said assessors shall meet annually, on the second Monday in July, at the court-house in the said county, and perform the duties required to be done in and by the third, fourth, fifth, and sixth sections of the act entitled, "An act concerning taxes," passed the tenth of June, seventeen hundred and ninety-nine.

Annual meeting of assessors.

3. *And be it enacted*, That the commissioners of appeal in cases of taxation in and for the township of Acquackanonk, in the county of Passaic, shall convene annually, on the second Tuesday of September, for the purpose of discharging the duties of their office, instead of the second Tuesday of November, as heretofore.

Annual meeting of commissioners of appeal.

4. *And be it enacted*, That the collector or collectors of the township of Acquackanonk shall annually give the notice, and perform the duties required by the tenth section of the "Act concerning taxes," on the first day of August, instead of the first day of October, as heretofore.

Collectors to give notice.

5. *And be it enacted*, That the collector or collectors of the township of Acquackanonk, in the county of Passaic, within thirty days after the receipt of the transcript or duplicate of the assessment of taxes for the township of Acquackanonk, shall demand payment of the tax or sum assessed on each individual in said township, in person or by notice left at his or her place of residence, and also, give notice of the time and place of the meeting of the commissioners of appeal; and the said collector or collectors shall pay the taxes by him or them collected, and the fines and forfeitures by him or them received by virtue of any law of this state, to the county collector of the county, by the twenty-second day of October in every year.

Duties of collectors.

6. *And be it enacted*, That in case of the non-payment of taxes at the time appointed, the township collector or collectors of the township of Acquackanonk shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to some justice of the peace of the county, on the twentieth day of

List of delinquents to be made out.

October in every year, except when the said day shall happen on a Sunday, and then on the next day following; whereupon it shall be the duty of said justice to perform the duties required of him by the thirteenth section of the act concerning taxes.

Former act to
remain in force.

7. *And be it enacted*, That all the provisions of the act entitled, "An act ascertaining the duties of commissioners of appeal in cases of taxation," passed the fourth day of November, seventeen hundred and ninety-seven, and of the act entitled, "An act concerning taxes," passed the tenth of June, seventeen hundred and ninety-nine, and the several supplements thereto, shall remain in full force and effect in the county of Passaic, and in the township of Acquackanonk, except so far as they are inconsistent with the provisions of this act.

Act, when to
take effect.

8. *And be it enacted*, That this act shall take effect immediately.

Approved, March 6, 1846.

A supplement to the act entitled, "An act to incorporate the city of New Brunswick," approved April the fourth, eighteen hundred and forty-five.

Firemen ex-
empted from
taxes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the members of the fire companies of said city, called companies number one, two, three, four, and five, and of the hook and ladder company, shall be exempted from the payment of taxes assessed by the common council of said city; *provided*, that such exemption shall not be made in any case in which said tax shall exceed the sum of three dollars.

Number of mem-
bers, how regu-
lated.

2. *And be it enacted*, That the number of members of such company or companies shall be fixed and regulated by said common council.

Chief engineer,
how appointed.

3. *And be it enacted*, That the common council shall appoint the chief engineer of said fire department, upon the nomination made and certified by a majority of the whole number of said fire companies.

4. *And be it enacted*, That the provisions of this act shall extend to such fire and hook and ladder companies as may be hereafter duly organized under the provisions of the charter of said city. Provisions of act to extend to companies hereafter formed.

Approved, March 13, 1846.

A further supplement to the act entitled, "An act to establish a uniform standard of weights and measures in this state," passed March thirteenth, eighteen hundred and forty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the time mentioned in the act to which this is a further supplement, passed March thirteenth, eighteen hundred and forty-four, shall be, and is hereby further extended to the term of one year from the passage of this act. Time of former act extended.

Approved, March 12, 1846.

AN ACT for the relief of Catharine Vantyle, of the county of Morris.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state shall and is hereby authorized and required to pay to Catharine Vantyle, widow of Abraham Vantyle, deceased, a soldier of the Revolutionary war, or her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments, of fifteen dollars each, the first payment to be made the first day of March, eighteen hundred and forty-six; and the receipt of the said Catharine Vantyle, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts. Pension of \$30 per annum to C. Vantyle.

Approved, March 12, 1846.

AN ACT to vest in the United States of America jurisdiction over Sandy Hook.

Jurisdiction
over Sandy
Hook ceded to
U. S.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the jurisdiction in and over all that portion of Sandy Hook, in the county of Monmouth, owned by the United States, lying north of an east and west line through the mouth of Youngs creek at low water, and extending across the island or cape of Sandy Hook from shore to shore, and bounded on all other sides by the sea and Sandy Hook bay, be, and the same is hereby ceded to the said United States, for military purposes; and the said United States shall retain such jurisdiction so long as the said tract shall be applied to the military or public purposes of said United States, and no longer.

Cession not to
prevent the op-
eration of the
public laws.

2. *And be it enacted*, That the jurisdiction ceded in the first section of this act, shall not prevent the execution on the said tract of land of any process, civil or criminal, under the authority of this state, except so far forth as such process may affect any of the real or personal property of the United States of America within the said tract; nor shall it prevent the operation of the public laws of this state within the bounds of the said tract, so far as the same may not be incompatible with the free use and enjoyment of the said premises by the United States for the purposes above specified.

Lands exempt-
ed from taxes.

3. *And be it enacted*, That all the lands and tenements within the aforesaid boundaries, so long as the same shall continue the property of the United States, and be used for the purposes expressed in this act, shall be and remain exempted from all taxes, assessments, and other charges which may be imposed under the authority of this state.

Act, when to
take effect.

4. *And be it enacted*, That this act shall take effect immediately.

Approved, March 12, 1846.

A further supplement to an act entitled, "An act to incorporate the New Jersey Hudson and Delaware Railroad Company," passed the eighth day of March, one thousand eight hundred and thirty-two.

WHEREAS the limitation of the route of the New Jersey Hudson and Delaware Railroad to Snufftown, in the county of Sussex, is a great impediment to the construction of said road, and the parties interested in the same are desirous it should be repealed; and whereas several of the commissioners named in the act of incorporation are deceased, and it is desired that additional commissioners be appointed in their place—now therefore,

Preamble.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the seventh section of the act to which this is a supplement, as limits the route of the New Jersey Hudson and Delaware Railroad to Snufftown, in the county of Sussex, or as near thereto as the situation of the ground will admit, be, and the same is hereby repealed.

Part of former act repealed.

2. *And be it enacted*, That Robert Hamilton, Martin Ryerson, Samuel Fowler, and Jacob Hornbeck, junior, all of the county of Sussex, in this state, be, and the same are hereby appointed commissioners to open books to receive subscriptions to the capital stock of the New Jersey Hudson and Delaware Railroad Company, in addition to the persons named in the first section of the act incorporating said company; and that the commissioners hereby appointed shall be governed by the same rules and regulations as are prescribed in the aforesaid act, relative to the commissioners thereby appointed, and that a majority of the whole number of commissioners living and residing in New Jersey shall unite in the opening of the books to receive the subscription as aforesaid.

Commissioners to receive subscriptions.

3. *And be it enacted*, That when the capital stock, or a majority of it, shall be subscribed, and the apportionment be made, if the same becomes necessary, it shall be lawful for the commissioners, or a majority of them, to call a meeting of the stockholders for the choice of directors, as is provided for in the fourth section of the original act, anything therein contained to the contrary notwithstanding.

Directors, when to be elected.

Approved, March 17, 1846.

AN ACT for the relief of Thomas Erickson, of the county of Cumberland.

Pension of \$40
granted to T.
Erickson.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be, and he is authorized and required to pay unto Thomas Erickson, of the county of Cumberland, a soldier of the Revolutionary war, or his order, the sum of forty dollars per annum, during his natural life, in semi-annual payments of twenty dollars each, the first payment to be made the tenth day of March, instant; and the receipt of the said Thomas Erickson, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved, March 17, 1846.

Supplement to an act entitled, "An act to authorize the establishment of the New Jersey Lunatic Asylum."

Treasurer au-
thorized to pay
certain moneys.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is hereby directed to pay to the commissioners for building the State Lunatic Asylum, on warrant of the governor, out of any moneys in the treasury not otherwise appropriated, such further sum or sums of money as they may require for the building of said Asylum, not exceeding fifty thousand dollars; and it shall be the duty of the secretary of state to audit the accounts of said commissioners.

Farm to be in
the care of com-
missioners.

2. And be it enacted, That the farm attached to said Asylum shall be for the time being under the management and control of the commissioners, until otherwise ordered.

Act, when to
take effect.

3. And be it enacted, That this act shall go into effect immediately.

Approved, March 18, 1846.

AN ACT to authorize the printing of the revised laws.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That two thousand copies of the revised public laws of this state be printed, under the superintendence of the revisors. 2000 copies of revised laws to be printed.

2. *And be it enacted*, That the work be published in one volume, large octavo, on new long primer type, thinly leaded, and paper of superior quality, to be approved by the said revisors, and be substantially bound in sheep, with spring-backs, and lettered, by Phillips and Boswell, of the city of Trenton, on the terms contained in their written proposals submitted to the legislature; *provided*, that if the work shall not embrace one thousand pages, a proportional reduction shall be made in the price. By whom to be printed.

3. *And be it enacted*, That the said revisors be authorized, and they are hereby directed to cause the said printers, before they enter upon the business, to enter into bond to the governor of the state, under such penalty and with such surety as they may reasonably require, for the faithful execution of the work, on the terms to be therein specified, and for the delivery thereof as early in the next session of the legislature as practicable. Printers to give bond.

4. *And be it enacted*, That in order that the said revised laws may be correctly printed and published, according to the original acts, it shall be the duty of the secretary of state to deliver to the said revisors such of the original laws as they may require, to be safely returned, after they shall have used the same for the purpose aforesaid. Secretary of state to furnish laws to revisors.

5. *And be it enacted*, That it shall and may be lawful for the governor, upon the recommendation of the revisors, to draw upon the treasury, in favour of the printers, for such sum or sums of money from time to time, not exceeding two thousand dollars, as may be necessary to facilitate the progress of the work; and the treasurer is authorized to pay the same out of any money in the treasury not otherwise appropriated. Governor authorized to draw money from treasury for the printing.

6. *And be it enacted*, That the said revisors shall embrace in the said revised edition such laws as are general and permanent in their nature, and none others. What laws to be embraced in the revision.

7. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved, March 18, 1848.

AN ACT for the relief of Clara R. Cobb, of the county of Hudson.

Pension of \$30
granted to C.
R. Cobb.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Clara R. Cobb, widow of Thomas Cobb, deceased, a soldier of the Revolutionary war, or her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made the tenth day of March, eighteen hundred and forty-six; and the receipt of the said Clara R. Cobb, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved, March 18, 1846.

AN ACT to authorize the inhabitants of the township of Plumsted, in the county of Monmouth, to vote by ballot at their town meetings.

Inhabitants of
township of
Plumsted au-
thorized to vote
by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Plumsted, in the county of Monmouth, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee consisting of five persons, a school committee consisting of three persons, as many justices of the peace as the township may be constitutionally entitled to elect, and one or two constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and for the place of holding the next annual town meeting and the election of state and county officers.

2. *And be it enacted*, That the judge of election elected at the last or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the township shall be the clerk thereof; and the officers of said election shall be eligible to any office at said election, except that of justices of the peace.

3. *And be it enacted*, That the elections shall open at ten o'clock in the morning, and close at four o'clock in the afternoon of the same day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Elections, how conducted.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committee shall, at their next meeting thereafter, fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Vacancies, &c., how supplied.

5. *And be it enacted*, That the clerk of the township shall be the clerk of the town committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of the township; and when the town committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of said county.

Clerk of township to be clerk of town committee.

6. *And be it enacted*, That the reports of the town committee, the overseers of the poor, and the school committee, shall be filed and preserved by the town committee: in posting up

First elections, where held.

the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first elections under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot-box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the town committee shall allow the clerk such compensation, for the additional duties required by this act, as they may deem reasonable.

Approved, March 20, 1846.

AN ACT to incorporate the Raritan Manufacturing Company.

Names of corporators.

Style.

Time and mode of annual election of directors.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles Porter, Thomas Tilton, Paul Spofford, John P. Nesmith, Robert J. Dillon, James Hutchins, Charles Dunham, Lewis G. Stout, Charles D. Deshler, and Isaac Voorhees, and their survivors, and all such persons as may hereafter be associated with them, or the said survivors and their successors, shall be, and they are hereby constituted a body corporate, by the name and style of "the Raritan Manufacturing Company," for the purpose of manufacturing cotton goods, in or near New Brunswick, in the county of Middlesex, or county of Somerset, in this state, and of carrying on the business incident thereto; and the said company may hold such personal and real estate, situate in or near the city of New Brunswick aforesaid, and not exceeding one hundred acres, as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts or liabilities.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by

five directors, being stockholders (one of whom shall be president), who shall hold their offices for one year and until others are chosen; and the said directors shall be chosen on the first Monday of June, in every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in New Brunswick aforesaid; and each stockholder shall, at such election, be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving in such election the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving by virtue thereof until another elections shall have been had; and the directors so chosen may appoint such officers and superintendents, and fix such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and that the said Charles Porter, Thomas Tileston, Paul Spofford, John P. Nesmith, Robert J. Dillon, James Hutchins, Charles Dunham, Lewis G. Stout, Charles D. Deshler, and Isaac Voorhees, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in June next and until others are legally chosen.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, and may be increased to five hundred thousand dollars, if the same shall become necessary; and the stock shall be divided into shares of one hundred dollars each, but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the counties in which the said company shall be located, it shall be lawful for the said corporation to commence business; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose by public

Amount of capital stock.

notice, previously published for the space of ten days in one or more newspapers printed in New Brunswick aforesaid, designating the proportion of such payments per share, and the time and place when, and the officer to whom, the same shall be required to be made.

Books of subscription to be opened.

4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, and for any number of days not exceeding sixty, nor less than three, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose; and that they give at least ten days' notice of the same, in a newspaper in New Brunswick aforesaid, designating the time and place when and where the books of subscription are to be opened.

Stock personal estate.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

Directors, their powers and duties.

7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce by-laws.

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Limitation.

9. *And be it enacted*, That this act shall continue in force for the term of twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in an act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved, March 31, 1846.

AN ACT to prevent horse racing.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all racing, by running, pacing, or trotting of horses, mares, or geldings, for money or other valuable thing, or where twenty or more persons are assembled together, shall be, and hereby are declared to be offences against the state, and the authors, parties, contrivers, and abettors thereof, and all and every other person or persons concerned therein, either directly or indirectly, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Penalty for racing.

2. And be it enacted, That if any person shall bet or wager upon the running, pacing, or trotting of any horses, mares, or geldings, or shall be concerned in making up any purse for any such running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Penalty for betting, &c.

3. And be it enacted, That if any person shall be a stakeholder of any sum of money or other thing betted, staked, or wagered upon any such running, pacing, or trotting, or shall cause to be printed or set up any paper or other thing notifying or advertising any such running, pacing, or trotting, or shall be the rider of any horse, mare, or gelding in any race, of either running, pacing, or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Stakeholders punished.

4. And be it enacted, That if any person shall contribute or collect, or shall ask any other person to contribute or collect any money, goods, or chattels, to make up a purse, plate, or other thing to be run, paced, or trotted for by any horse, mare, or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court. Contributors to purse, &c., how punished.

5. And be it enacted, That if any person or persons shall let or rent his, her, or their land for the purpose of a racecourse for the running, pacing, or trotting any horses, mares, or geldings, or shall knowingly suffer any such running, pacing, or trotting upon lands belonging to him, her, or them, or of which Penalty for letting land for a racecourse.

he, she, or they may be in possession, such person or persons shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.

Wagers on races to be null and void.

6. *And be it enacted*, That all wagers or bets which shall be laid, betted, or made on the running, pacing, or trotting of any horses, mares, or geldings, and all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, or other securities or conveyances which shall be made, given, granted, drawn, entered into, or executed by any person or persons, when the whole or any part of the consideration thereof shall be for money, goods, chattels, or other thing won, laid, or betted on the running, pacing, or trotting of any horses, mares, or geldings, shall be utterly void and of no effect.

Former acts repealed.

7. *And be it enacted*, That the act entitled, "An act to prevent horse racing," passed the fifteenth day of February, eighteen hundred and eleven, and the supplement thereto, passed the fifth day of March, eighteen hundred and thirty-five, and all other acts and parts of acts coming within the purview of this act, shall be, and hereby are repealed.

Approved, March 19, 1840.

AN ACT to punish and prevent frauds in the use of false stamps and labels.

Penalty for counterfeiting labels.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That every person who shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, upon any goods, wares, or merchandise, the private stamps or labels of any mechanic or manufacturer, with intent to defraud the purchasers or manufacturers of any goods, wares, or merchandise, whatsoever, upon conviction thereof, shall be punished by imprisonment in a county jail for a term not exceeding six months.

Penalty for vending goods with forged labels.

2. *And be it enacted*, That every person who shall vend any goods, wares, or merchandise, having thereon any forged or counterfeited stamps or labels, purporting to be the stamps or labels of any mechanic or manufacturer, knowing the same to be forged or counterfeited, without disclosing the fact to the

purchaser, shall upon conviction be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars.

3. *And be it enacted*, That this act shall take effect on the first day of April next ensuing. Act, when to take effect.

Approved, March 24, 1846.

A further supplement to "An act to set off the township of Van Vorst, in the county of Hudson."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of said township, or a majority of them, in committee convened, to pass, by not less than three concurring votes, and enforce all such ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the side-walks, and for preventing the encumbering or obstructing the same; and for preventing persons from riding, driving, or passing over or upon the said side-walks with horses or oxen, or with wagons, carts, or carriages of any description; for abating or removing any nuisance in any street, and for protecting the trees and lamps in said township; *provided always*, that every and each ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published or circulated in said township, before said ordinance shall go into effect. Township committee to pass ordinances for regulation of township.

2. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved, March 26, 1846.

A supplement to "An act concerning sheriffs."

Preamble.

WHEREAS doubts have arisen concerning the duration of the official term of the sheriffs elected in the several counties of this state, at the annual election in the year eighteen hundred and forty-four—for the removal thereof,

Constructive
term of office of
sheriffs.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, and it is hereby declared, that the term of office of the sheriffs elected in the several counties of this state at the annual election in the year eighteen hundred and forty-four, continued to and terminated with the Monday following the annual election in the year eighteen hundred and forty-five, to wit, Monday, the tenth day of November, eighteen hundred and forty-five, and that whether any such sheriff had been elected at the annual elections in the years eighteen hundred and forty-two and eighteen hundred and forty-three, or not, and the same shall be so construed and adjudged in all courts and places whatsoever.

Preamble.

And whereas, in the month of October, eighteen hundred and forty-five, commissions were granted by the governor to several persons, to wit, William Winter, of the county of Warren, James H. Newell, of the county of Middlesex, Cornelius Lupton, of the county of Cumberland, and Abraham Gaskill, of the county of Burlington; which commissions were designed to authorize them to act as sheriffs until the persons to be elected sheriffs at the annual election on the Tuesday following the first Monday of November of that year should be duly commissioned; and whereas official acts have been performed by the persons in this section before named, under and by virtue of the commissions so granted to them—for the confirmation thereof,

Acts of sheriffs
ratified.

2. *Be it enacted*, That all acts and proceedings of the persons before named, performed and had under and by virtue of such commissions, be, and the same are hereby ratified, and shall have the same force and effect as if such acts had been done by the respective sheriffs of such counties, and shall be deemed valid; *provided* the same were in other respects agreeable to law.

3. *And be it enacted*, That this act shall take effect immediately.

Approved, March 26, 1846.

A further supplement to the act entitled, "An act to erect a part of the county of Gloucester into a new county, to be called the county of Camden."

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That all the public property which belonged to the county of Gloucester at the time of the passage of the act to which this is a supplement, except the court-house, jail, clerk's and surrogate's offices, and the lots of land appertaining thereto, situate at Woodbury, in the county of Gloucester, and except also the fixtures and furniture of the said court-house, jail, clerk's and surrogate's offices, shall be equitably divided between the counties of Gloucester and Camden, in the proportions herein after mentioned; and that Joseph Saunders and John B. Harrison, of the county of Gloucester, and John R. Cowperthwait and Edward Turner, of the county of Camden, and Jonathan J. Spencer, of the county of Burlington, or any three of them, shall be commissioners to divide said property, except as above excepted and as herein divided; and that any three of said commissioners, when assembled as herein after provided, shall be a quorum for the transaction of business; but any one or more shall have power to adjourn.

Commissioners
to divide prop-
erty.

2. **And be it enacted**, That the said commissioners shall meet at the court-house at Woodbury, in the county of Gloucester, at ten o'clock in the forenoon of the second Tuesday of April next, and at such other times and places as may be appointed by adjournment; and after they, or any three of them, shall have severally taken an oath or affirmation before some person authorized to administer oaths, faithfully, honestly, and impartially to perform the trusts reposed in them by this act, they shall proceed to make division of said public property, except as above excepted and as herein divided, and for that purpose they shall have access to all the public records, files, and papers of the county of Gloucester; and it shall be the duty of the collector of the county of Gloucester, and of James W. Caldwell, former collector of that county, and also of the collector of the county of Camden, to attend before the said commissioners at the above time and place designated for their meeting, and at such other times and places as may be appointed by adjournment; and the said collector and former collector of the county of Gloucester shall furnish said commissioners with a true statement or statements of all the personal property, moneys, and effects which were in their or either of their hands, or in the hands of any other person, and belonging to the county of Gloucester, except the aforesaid fixtures and furniture, and of all the surplus revenue of the United

Time of meet-
ing of commis-
sioners.

States apportioned to and remaining with the county of Gloucester, and of all debts owing by the county of Gloucester at the time of the passage of the act to which this is a supplement; and the said commissioners, or a majority of them, shall make a just and true appraisal of all the said personal property, moneys, and effects, except as above excepted and the surplus revenue and interest on said revenue, and, after deducting therefrom the amount of bona fide debts against the county of Gloucester at the time of the passage of the act to which this is a supplement, they shall apportion the balance of the said personal property, moneys, and effects to the counties of Gloucester and Camden, in the ratio of the county tax paid by the several townships which comprise the counties of Gloucester and Camden, in the year eighteen hundred and forty-three, and the said surplus revenue, and interest thereon, shall be apportioned to the said counties in the ratio of the state tax paid by the said townships in the year eighteen hundred and thirty-six; whereupon the collector and former collector of the said county of Gloucester shall pay over to the collector of the county of Camden, the amount of moneys so apportioned to the county of Camden, or, in lieu of all or any part of said moneys, the director of the board of chosen freeholders of the county of Gloucester, under his hand and seal, shall and may assign to the board of chosen freeholders of the county of Camden such bonds and mortgages, or other securities, given to the said the board of chosen freeholders of the county of Gloucester to secure the payment of any portion of the said surplus revenue loaned by them, as the said commissioners, or a majority of them, shall designate for that purpose, and deliver the said bonds and mortgages, or other securities, so assigned to the collector of the county of Camden, whose receipt shall be a sufficient discharge therefor; and such assignment or assignments shall be good and effectual in the law, and vest the same title and right of action in said assignee as the assignment of similar securities by individuals.

Safe-keeping of
surplus revenue,
&c.

3. *And be it enacted*, That for the amount of the surplus revenue so apportioned to the said county of Camden, and also for a ratable proportion, according to the ratio last mentioned, of so much of the surplus revenue apportioned to the county of Gloucester, and expended by said county before the passage of the act to which this is a supplement, the faith of the county of Camden shall be pledged for the safe-keeping and repayment to the state, to the same extent in law and equity as the faith of the county of Gloucester was or is pledged for the safe-keeping and repayment thereof; and the county of Gloucester shall be relieved from all liability for the safe-keeping and repayment of the same; and, at the time of the delivery of the

and assignment or assignments, the board of chosen freeholders of the county of Camden shall pledge the faith of the county of Camden for the safe-keeping and repayment of the same, according to the provisions of the act entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is or may hereafter be apportioned to and received by this state."

4. *And be it enacted*, That the poor-house and farm, and tract or tracts of land appertaining thereto, situate in the township of Washington, in the county of Camden, with all and singular the appurtenances, shall, without any further act for that purpose, from henceforth be vested, as an absolute and indefeasible estate of inheritance in fee-simple, in the board of chosen freeholders of the county of Gloucester and in the board of chosen freeholders of the county of Camden, in equal moieties, as tenants in common.

Poor-house farm, &c.

5. *And be it enacted*, That the court-house, jail, clerk's and surrogate's offices, and the lots of land appertaining thereto, situate at Woodbury, in the county of Gloucester, and the fixtures and furniture of the said court-house, jail, clerk's and surrogate's offices, shall henceforth be and remain the absolute property and estate of the board of chosen freeholders of the county of Gloucester, for the use of the county of Gloucester.

Court-house to be the property of the county of Gloucester.

6. *And be it enacted*, That an election for the seat of justice of the county of Camden, where the court-house, jail, and other public buildings shall be erected, shall be held in the said county on the fourth Tuesday of April next; and it shall be the duty of the clerk of said county to give timely notice of such election in writing to the clerks of the several townships, whose duty it shall be to give public notice thereof, by setting up in three or more of the most public places in their respective townships copies of said notice, at least ten days prior to the above appointed time for holding said election; and the polls shall be opened in each of the townships in said county at the places appointed by them, respectively, at their then last annual town meetings for holding elections during the ensuing year; and the election shall be held by the same officers, under the same qualifications, opened and closed at the same hours, the same qualifications of voters shall be required, and shall be conducted, continued, and concluded, in all respects, as nearly as may be according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly of this state.

Election to be held for seat of justice.

7. *And be it enacted*, That each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed the name of the city, village, or

Mode of voting.

cross-roads for which the person voting intends to vote ; and no ballot shall contain more than one such name ; and in case any person shall give his vote by more than one ballot, or any ballot voted shall contain more than one such name, such vote shall not be counted.

Judges to count
votes and make
return.

8. *And be it enacted*, That the judges and inspectors of the said election in the several townships of said county, at the close of the polls, shall carefully count the votes received at said election, and make a certificate, under their hands and seals, containing the whole number of votes taken in their respective townships, and the number taken for each city, village, or cross-roads voted for as the seat of justice of said county ; and shall, on or before the hour of three o'clock in the afternoon of the Saturday next after the day of said election, transmit and deliver to the clerk of the inferior court of common pleas of said county of Camden their respective certificates, together with the lists of voters whose votes were taken at the said election, which certificates and lists shall be filed by said clerk in his office ; and the said clerk shall faithfully count the said votes, and the city, village, or cross-roads having a majority of all the votes so taken shall be the place chosen for the seat of justice of said county ; and if any such city, village, or cross-roads shall receive a majority of all of said votes, it shall be the duty of the said clerk to transmit a certificate, under his hand and seal, of the place so chosen to the board of chosen freeholders of said county, at their then next meeting, which certificate shall be entered in words at length on the minutes of the said board, who shall thereupon select and determine the particular site or sites, at said place, where the court-house, jail, and other public buildings shall be erected ; but if no such city, village, or cross-roads shall receive a majority of all of said votes, it shall be the duty of said clerk to transmit a certificate, under his hand and seal, of that fact to the director of the board of chosen freeholders of said county, who shall thereupon, as soon as practicable, call a special meeting of said board ; and the said board, at their said special meeting, shall appoint a day, not exceeding sixty days from the day of said election, for holding another election for said seat of justice, and shall give such notice thereof as they may think proper, and on the day so appointed another election for said seat of justice shall be had ; and this second election shall be held, opened, conducted, continued, and concluded, and the results in the several townships of said county ascertained and transmitted to the said clerk thereof, and by him counted in the same manner, in all respects as nearly as may be, as is herein before prescribed in reference to the first election ; and the city, village, or cross-roads having the great-

est number of votes taken at this second election, shall be the place chosen for the seat of justice of said county; and it shall be the duty of the said clerk to transmit a certificate, under his hand and seal, of the place so chosen to the board of chosen freeholders of said county, at their then next meeting; which certificate shall be entered in words at length on the minutes of the said board, who shall thereupon select and determine the particular site or sites, at said place, where the court-house, jail, and other public buildings shall be erected.

9. *And be it enacted*, That the clerk of the said county of Camden, judges, inspectors, and other officers of the said election or elections, shall be entitled to the same fees as they are entitled to for like services by the laws of this state regulating elections; and the clerk of the said county of Camden, for any extra services required by this act, shall be allowed such further compensation as the board of chosen freeholders of said county shall deem just, to be paid by the collector of said county; and the commissioners authorized by this act to divide the aforesaid public property, and the persons required to attend before them, shall receive two dollars per day for their services while engaged in making said division, to be paid, one half by the collector of the county of Gloucester, and the other half by the collector of the county of Camden. Compensation of officers.

10. *And be it enacted*, That the board of chosen freeholders of said county of Camden shall, upon the call of their director or upon their own adjournment from time to time, as often as occasion may require, meet together at such place or places as they may appoint for that purpose; and they shall contract for and take a deed or deeds for land on which to erect said court-house, jail, and other public buildings, and shall erect the same thereon; and they shall be authorized and empowered to borrow from time to time any sum or sums of money, not exceeding in all the sum of twenty-five thousand dollars, and to pledge the faith of the county for the repayment of the same. Chosen freeholders to erect buildings, &c.

11. *And be it enacted*, That when the court-house and clerk's and surrogate's offices shall be so far completed as to be suitable for their respective purposes, it shall be the duty of the director of the board of chosen freeholders of said county of Camden to send a certificate thereof to the clerk of the inferior court of common pleas of said county, who shall file the said certificate in his office, and enter it at length in the minutes of said court, with the time of his receiving the same, and give notice thereof, by advertisements published in at least two of the newspapers printed in said county of Camden; and it shall be the duty of said clerk and surrogate, as soon thereafter as Notice to be given when offices are completed.

conveniently may be, to remove all the records, files, vouchers, and public books and papers in their custody into the said offices so erected for them, respectively; and any circuit court, court of oyer and terminer and general jail delivery, inferior court of common pleas, general quarter-sessions of the peace, and orphans' court, which may be held in said county after the said certificate shall be filed and entered by said clerk, as aforesaid, shall be held in the said court-house; and all writs and other process which may be issued out of either of the said courts, after the entering and filing of said certificate, shall be returnable to the place chosen as aforesaid for the seat of justice of said county; and all such writs and process, and all other writs and process previously issued and then in the hands of the sheriff of said county or other officer, and returnable to either of said courts, shall be returned to the said place chosen for said seat of justice; and all persons who may be under recognizance, bond, or other obligation, or may be summoned to appear before either of said courts at any time subsequent to the entering and filing of said certificate, shall appear before the court before which he shall have been so recognized, bound, or summoned to appear at the said place chosen for said seat of justice.

Notice to be given when jail is completed.

12. *And be it enacted*, That when the common jail of said county shall be so far completed as to be suitable for the safe-keeping of prisoners, it shall be the duty of the said director of the board of chosen freeholders to send a certificate thereof to the clerk of the inferior court of common pleas of said county, who shall file the same in his office, and enter it at length in the minutes of said court, with the time of his receiving it, and he shall deliver a copy thereof to the sheriff of said county, whereupon it shall be the duty of said sheriff to remove all the prisoners of said county that may be in his custody into the said common jail, there to be confined according to law; and such removal shall not be deemed an escape or in any wise chargeable to said sheriff.

Part of former act repealed.

13. *And be it enacted*, That the seventh, eighteenth, nineteenth, and twentieth sections of the act to which this is a supplement, and all the provisions of the said act, and of any other act repugnant to the provisions of this act, shall be, and the same are hereby repealed; and this act shall take effect immediately after the passage thereof.

Approved, April 1, 1846.

AN ACT for the relief of John Gregory, of the county of Monmouth.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state shall, and is hereby authorized and required to pay to John Gregory, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the first day of April next; and the receipt of the said John Gregory, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Pension of \$60
per annum to
J. Gregory.

Approved, March 26, 1846.

AN ACT for the relief of Hannah Hoff, of the county of Morris.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state shall, and is hereby authorized and required to pay to Hannah Hoff, the widow of Charles Hoff, or her order, the sum of forty dollars per annum, during her natural life, in semi-annual payments of twenty dollars each, the first payment to be made the first day of April next; and the receipt of the said Hannah Hoff, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Pension of \$40
granted to H.
Hoff.

Approved, March 26, 1846.

AN ACT to incorporate the Hamilton Manufacturing Company of the county of Atlantic.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That John L. McKnight, Stephen Colwell, Walter D. Bell, Jeremiah Stull, John C. Briggs, Nicholas Rape, Joseph Thompson, Edmund Taylor, Abraham L. Iszard,

Names of incorporators.

Style of incorporation.

and Francis J. Brognard, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, for the purpose of manufacturing, dyeing, bleaching, and printing wool and cotton, and all goods of which wool or cotton or other fibrous materials form a part, and all the machinery incident thereto, and for the transaction of all business connected therewith, by the name of "the Hamilton Manufacturing Company of the county of Atlantic;" and may erect such mills and other works as may be required to carry on such branches of manufacture; and they shall have power to raise by subscription a capital not exceeding one hundred and fifty thousand dollars.

General powers.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate in the said county of Atlantic as may be required for the purposes of the said corporation, and may dispose of the same; and may sue and be sued in all courts of law and equity; and may have and use a common seal, and make such by-laws for their regulation and government as they may see proper; *provided* the same are not inconsistent with the constitution and laws of the United States or of this state.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be divided into shares of fifty dollars each; but as soon as thirty thousand dollars of the said capital stock shall have been subscribed and paid in, in lawful money or current bank notes, and an affidavit thereof made by a majority of the directors to be chosen in pursuance of this act, and filed in the office of the secretary of state, then it shall and may be lawful for the said corporation to commence their business, and with that capital to conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do from time to time to the amount herein before mentioned.

Stock transferable.

4. *And be it enacted*, That the capital stock shall be deemed personal estate, and transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, nor under any pretence whatever, be divided among the stockholders for dividends; and no dividend shall be made or paid, except from the actual profits; and each stockholder shall, in the election of directors, have one vote for each share of stock he holds in said company.

Commissioners to receive subscriptions.

5. *And be it enacted*, That John L. McKnight, Stephen Colwell, Walter D. Bell, Jeremiah Stull, John C. Briggs, Nicholas Rape, Joseph Thompson, Edmund Taylor, Abraham L. Iszard, and Francis J. Brognard, or a majority of them, shall be commissioners, whose duty it shall be to open books to re-

ceive subscriptions to the capital stock of the said corporation, first giving two weeks' notice, in a newspaper circulating in the county of Atlantic, of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, and, as soon as the same shall be subscribed, to give a like notice for the meeting of stockholders to choose such directors, officers, and agents as may be deemed necessary for conducting the affairs of the company.

6. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company. Books of account to be kept.

7. *And be it enacted*, That in the month of May, in each year, the directors shall submit to the stockholders a written statement of the amount of capital stock paid in and the amount of all existing debts against the company; and no dividend shall be declared or paid to the stockholders, when such payment would render the company insolvent; and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in. Directors to make annual statement.

8. *And be it enacted*, That no part of the capital stock, or any of the funds of the said corporation, shall at any time during the continuance of this charter be used or employed, directly or indirectly, in banking operations or for any purpose whatever inconsistent with the provisions of this act. Capital stock not to be employed in banking.

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in an act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six. Limitation.

Approved, March 31, 1846.

AN ACT to incorporate the Atlantic Manufacturing Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John Campbell, Henry V. Butler, and Robert L. Taylor, and the survivors of them, and all Names of corporations.

Style and general powers.

such persons as may hereafter be associated with them, or the said survivors, their successors, and assigns, shall be, and they are hereby constituted a body corporate, by the name and style of "the Atlantic Manufacturing Company," for the purpose of manufacturing paper in the counties of Passaic or Bergen, in this state, and of carrying on the business incident thereto; and the said company may hold such water power and water privileges, personal and real estate, as may be necessary or useful for said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be managed and conducted by five directors, being stockholders (one of whom shall be president), who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in June, of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the county of Passaic; and each stockholder shall, at such election, be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and that the said John Campbell, Henry V. Butler, Robert L. Taylor, Thomas Rogers, Aaron S. Pennington, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in June next and until others are legally chosen.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said corporation shall be two hundred thousand dollars, which shall be

divided into shares of one hundred dollars each; but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county in which the manufactory of the said corporation shall be located, it shall be lawful for the said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payment shall not be made within thirty days after the day fixed for that purpose by public notice, previously published for the space of thirty days in one or more newspapers printed in said county, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Books of subscription to be opened.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Stock transferable.

6. *And be it enacted*, That in case it should at any time happen that an election shall not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of the said corporation, and shall have power to make and enforce by-laws.

Directors, their powers and duties.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual until such shall be entered or registered in the book or

Transfers to be registered.

books to be kept by the president and directors for that purpose.

How corporation may be dissolved.

9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders, specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

Limitation.

10. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved, April 4, 1846.

AN ACT to repeal part of an act therein named.

Part of former act repealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the fourth section of the act entitled, "A further supplement to the act entitled, an act to facilitate the administration of justice," passed the fourteenth of February, eighteen hundred and thirty-eight, approved March twenty-fourth, eighteen hundred and forty-five, as requires the rules, judgments, and decisions therein mentioned to be entered in a separate book of minutes, to be kept for that purpose, be, and the same is hereby repealed.

Act, when to take effect.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, April 7, 1846.

A further supplement to the act entitled, "An act to incorporate the city of Trenton."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act, passed on the seventh day of March, eighteen hundred and forty-four, entitled, "A further supplement to the act entitled, an act to incorporate the city of Trenton," be, and the same is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, April 8, 1846.

AN ACT to prevent the collision of vessels navigating the river Delaware.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every master or other officer having charge of any vessel lying at anchor in the river Delaware, shall hoist or show from sundown, and continue to sunrise, a light at some conspicuous part of said vessel, at least ten feet above the deck; and for each and every neglect such master or other officer having charge of such vessel shall forfeit and pay the sum of ten dollars, to any person who shall sue for the same. Vessels at anchor to show light.

2. *And be it enacted*, That when any vessel navigating the river Delaware shall come in collision with any vessel lying at anchor, having a light on board as aforesaid, the master or other officer having charge of such vessel so navigating the river Delaware, shall forfeit and pay to the master, owner, or owners of such vessel so lying at anchor, the amount of all damages sustained by means of such collision, the same to be sued for by the officer, owner, or owners of such vessel having such light on board as aforesaid, and shall be debarred from recovering any damage he may have sustained from such collision; and it shall and may be lawful for the officer serving the summons or other process to seize and keep in custody the vessel so coming in collision as aforesaid, to abide the judgment of the court before which the suit under this act may be Penalty for coming in collision with vessels showing light.

brought, at the costs and charges of the party offending; *provided* this act shall not be so construed as to prevent the party so offending from having said vessel released, upon giving satisfactory security to the court before whom the said action may be brought.

Steamboats to
show a light.

3. *And be it enacted*, That every master or other officer having charge of any steamboat navigating the river Delaware, shall show from sundown, and continue to sunrise, a light suspended by a staff or pole, in the extreme forward part of said steamboat, at least ten feet above the deck, and also, a light suspended as aforesaid at the extreme after part of said steamboat, at least twenty feet above the deck; and for each and every neglect, such master or other officer having charge of such steamboat, shall forfeit and pay the sum of twenty dollars, to any person who shall sue for the same.

Act, when to
take effect.

4. *And be it enacted*, That this act shall go into full effect and operation, so soon as the legislature of the state of Pennsylvania shall pass a concurrent law.

Approved, April 8, 1846.

AN ACT for the relief of Elizabeth Coward; widow of Samuel Coward, deceased, late of the county of Monmouth.

Pension of \$40
granted to E.
Coward.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be, and he is hereby authorized and directed to pay to Elizabeth Coward, widow of Samuel Coward, late of the county of Monmouth, deceased, a soldier of the Revolutionary war, or to her order, the sum of forty dollars per annum, during her natural life, in half-yearly payments of twenty dollars each, the first payment to be made on the fifteenth day of April, instant.

Approved, April 9, 1846.

AN ACT to incorporate the New Jersey Mining Company.

WHEREAS John Lamb and others have, in behalf of themselves Preamble.
and their future associates, by their petition set forth that they are proprietors, by lease and in fee, of certain tracts of land in the county of Hudson, and state of New Jersey, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating the said petitioners and their future associates, for the purpose of enabling them to work the said mines and any other mines they may hereafter possess in said state, and also to manufacture the ores thereof, in such manner as they may think proper—therefore,

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That John Lamb and such others as may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the New Jersey Mining Company;" and the said company shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods, and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation. Corporate name.

2. **And be it enacted**, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January, at such time of the day, and at such place in the county of Hudson, and state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the city of Newark, and in one printed in the city of New York, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a ~~man~~ Time and mode of annual election of directors.

majority of them, shall appoint; *provided always*, that the number of directors shall not exceed seven persons.

Corporation not dissolved for failure to elect on day designated.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of seven hundred and fifty thousand dollars, and that a share in the said stock shall be twenty-five dollars; and the said company may commence operations when the sum of fifty thousand dollars shall have been paid in, and an affidavit thereof shall have been made by a majority of the directors, and filed in the clerk's office of the county of Hudson; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in the newspapers before mentioned.

Duties and powers of directors.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe by-laws, regulate the duties and conduct of the officers, clerks, artificers, servants, and labourers employed by them, the election of directors, and all such other matters as pertain to the concerns of the said corporation, and shall also have power to appoint and employ so many officers, clerks, and servants for carrying on said business, and with such salaries and allowances as to them shall seem meet.

Objects of incorporation.

6. *And be it enacted*, That the said corporation shall be empowered to reduce ores to metal by smelting, and to manufacture generally the produce of such ores to merchantable articles of trade, such as sheathing, bolts, bars, &c., &c.; *provided* such establishments necessary for such manufacture be located within the state of New Jersey.

Stock personal estate.

7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due

and owing by the said company, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no farther; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose. Transfers to be registered.

9. *And be it enacted*, That the contracts entered into by the said John Lamb, touching and concerning leases of any part of the said tract of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same as if made by themselves. Former contracts to be binding.

10. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred to by all judges and justices and others, without being specially pleaded. Act to be a public act.

11. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in the "Act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same is applicable to mining corporations. Limitation.

Approved, April 9, 1846.

AN ACT to incorporate the Somerset, Essex, and Middlesex Mining and Manufacturing Company.

WHEREAS Jedediah H. Lathrope has, in behalf of himself and his future associates, by his petition set forth that he is proprietor, by lease and in fee, of certain tracts of land, in the county of Somerset and state of New Jersey, containing mines of copper, and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of Preamble.

enabling them to work the said mines, and any other mines they may hereafter possess in said county and in the counties of Somerset, Essex, and Middlesex, also to manufacture the ores thereof, in such manner as they may think proper—therefore,

Style of incorporation.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Jedediah H. Lathrope and such others as may be hereafter associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of “the Somerset, Essex, and Middlesex Mining and Manufacturing Company;” and the said company shall be capable of purchasing, holding, and conveying any lands, tenements, and hereditaments, in the counties of Somerset, Essex, and Middlesex, and any goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Tuesday of January, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in a newspaper printed in each of the counties of Somerset, Essex, and Middlesex, and in one printed in the city of New York; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

Corporation not to be dissolved for failure to elect on day prescribed.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such

other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars, and that a share in the said stock shall be one hundred dollars; but so soon as twenty-five thousand dollars shall be subscribed and paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the counties of Somerset, Essex, and Middlesex, it shall be lawful for the said corporation to commence business; and it shall also be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspapers before mentioned.

Amount of capital stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe by-laws.

Powers of directors.

6. *And be it enacted*, That the stock of the said company shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no farther; but this act shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable.

Stock transferable.

7. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual unless such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which books shall at all times be open to the inspection of the stockholders.

Transfers to be entered.

8. *And be it enacted*, That the contracts entered into by the said Jedediah H. Lathrope, touching and concerning leases of any part of the said tract or tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Contracts made by J. H. Lathrope to be binding.

9. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred to

Act to be a public act.

by all judges and justices, and others, without being specially pleaded.

Limitation.

10. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved, April 14, 1846.

AN ACT to authorize Peter Cooper to construct a railroad in the township of Nottingham, in the county of Mercer.

P. Cooper authorized to construct railroad.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Peter Cooper, his heirs or assigns, be, and they are hereby authorized and empowered to construct, keep up, and maintain a railroad from his basin on the Delaware and Raritan canal, in the township of Nottingham, in the county of Mercer, upon any public road or other land over which he has or may have the right of way, by the best and most eligible route to his rolling mill, on the raceway of the Trenton Water-power Company; *provided always*, that the same shall not interfere with the ordinary travel upon any road, and that the assent of the owners of the land over which the said railroad may pass, be had before the construction thereof shall be commenced.

Act may be repealed, &c.

2. *And be it enacted*, That the legislature may at any time hereafter modify, alter, or repeal this act.

Approved, April 15, 1846.

An act prescribing the duties of the directors on behalf of the state of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be eligible to be appointed a director, on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, who shall be a stockholder in either of them; and if any such director shall, either directly or indirectly, become a stockholder during the time for which he was appointed, his office shall immediately be considered vacant.

Directors not to be stockholders.

2. *And be it enacted*, That it shall be the duty of said directors, annually, on or before the thirty-first day of December, to report to the governor, in writing, a complete statement of the affairs of the said companies during the past year, and all such matters concerning their management, transactions, and business, as may be supposed to affect the interests of the state; and also, a statement of the number of passengers transported on said road or roads, over which line of said road or roads transported, the amount of passage money paid to the company by such passengers, and the amount of the transit duty accruing to the state therefor; also, the number of tons of goods, wares, and merchandise transported thereon, on what line or branch of said road transported, the amount of freight paid the company therefor, and the amount of the transit duties accruing to the state on said goods, wares, and merchandise; and also, a similar statement respecting the transportation of passengers, coal, goods, wares, and merchandise, and the transit duty thereon, on the Delaware and Raritan Canal; all of which statements shall be, by the governor, laid before the legislature, at the next meeting thereof.

Directors to make annual report.

3. *And be it enacted*, That it shall not be lawful for any such director to receive from said companies, or either of them, any office or employment of any kind.

Directors not to receive office from companies.

4. *And be it enacted*, That before any person so appointed a director shall enter on the duties of his office, he shall file in the office of the secretary of state an oath or affirmation, which he shall have taken and subscribed before some person duly authorized to administer the same, in which oath or affirmation he shall declare that he will not (during the time for which he was appointed such director), either directly or indirectly, own stock in either of said companies; will faithfully and diligently perform the duties imposed by this act, without

Directors to take oath.

fear or favour; and that he will not receive from said companies, or either of them, any office or employment of any kind.

Approved, April 16, 1846.

AN ACT to raise by tax the sum of forty thousand dollars.

\$40,000 to be
raised by tax.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That there shall be assessed, levied, and collected, on the inhabitants of this state, their personal estate, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state on or before the twentieth day of January, one thousand eight hundred and forty-seven.

Proportions to
be raised by the
several coun-
ties.

2. And be it enacted, That the said sum of forty thousand dollars shall be paid by the several counties of this state in the proportion following, that is to say:

The county of Bergen shall pay the sum of thirteen hundred and thirty-four dollars.

The county of Hudson shall pay the sum of eight hundred and twenty dollars.

The county of Essex shall pay the sum of thirty-five hundred and fifty-two dollars.

The county of Passaic shall pay the sum of ten hundred and twenty-four dollars.

The county of Morris shall pay the sum of thirty-one hundred and thirty-six dollars.

The county of Sussex shall pay the sum of twenty hundred and twenty-five dollars.

The county of Warren shall pay the sum of twenty-one hundred and eighty-five dollars.

The county of Hunterdon shall pay the sum of thirty-one hundred and two dollars.

The county of Somerset shall pay the sum of twenty-five hundred and ten dollars.

The county of Middlesex shall pay the sum of twenty-seven hundred and thirty-two dollars.

The county of Monmouth shall pay the sum of thirty-seven hundred and twenty-four dollars.

The county of Burlington shall pay the sum of thirty-eight hundred and ten dollars.

The county of Gloucester shall pay the sum of thirteen hundred and sixty-two dollars.

The county of Camden shall pay the sum of fifteen hundred and fifty dollars.

The county of Cumberland shall pay the sum of fifteen hundred and eighty-six dollars.

The county of Salem shall pay the sum of twenty-one hundred and fifty-six dollars.

The county of Cape May shall pay the sum of six hundred and forty-six dollars.

The county of Atlantic shall pay the sum of four hundred and sixty-six dollars.

The county of Mercer shall pay the sum of twenty-two hundred and eighty dollars.

3. *And be it enacted*, That the assessors of the several townships, cities, or boroughs of this state, to raise the aforesaid sum of forty thousand dollars, shall assess and rate the several articles and things herein after enumerated at the following sums:

Enumeration of
articles taxed at
specific sums.

Every covering horse or jack, above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse or jack is kept; all other horses or mules, three years old and upward, any sum not exceeding eight cents.

All neat cattle, three years old and upwards, any sum not exceeding four cents.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage wagon, any sum not exceeding five dollars.

Every two-horse wagon, any sum not exceeding two dollars and fifty cents.

Every covered riding wagon, any sum not exceeding seventy-five cents.

Every two-horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

4. *And be it enacted*, That in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things shall be valued and rated at the discretion of the assessor, to wit:

Articles to be
valued and rated
at the discretion
of the assessor.

All tracts of land of more than twenty acres shall be valued by the assessors at its real value, as near as may be, and all houses and lots of land of twenty acres and under, connected therewith, and all lots of land of twenty acres and under, not connected with houses, shall be valued by the respective assessors at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent or value of the same, as near as may be, according to the scale by which they shall rate lands, in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men), any sum not exceeding three dollars over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All chemical works used for the manufacture of any of the chemical salts or fluids for sale, any sum not exceeding ten dollars.

All paint mills, any sum not exceeding fifteen dollars, to be valued according to the extent of the manufacture.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomeries that work bar-iron immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or oil presses, any sum not exceeding nine dollars.

All bark mills propelled by water or steam, for grinding bark for sale, any sum not exceeding ten dollars.

All fulling mills not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries used for distilling spirits from rye or other grain, or molasses or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries used for distilling, any sum not exceeding thirty dollars, having due regard to the size, capacity, and use of said stills.

Every printing, bleaching, and dyeing manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars.

Every glass or porcelain manufactory, where glass or porcelain ware is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and fifty cents, over and above the certainties made ratable by this act: if any single man be a householder, he may, at the discretion of the assessor, be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be so construed, or subject any species of property to be taxed more than once, and that no property herein specifically mentioned as taxable shall be subject to a tax as real estate.

Tax of single men.

Proviso.

5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a percentage upon such valuation.

Duties of assessor.

6. *And be it enacted*, That the sum of forty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein

Manner of assessing, levying and collecting.

mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax shall be entitled to the fees and compensation allowed by law.

Secretary of state to transmit blank abstracts of ratables to clerks of counties.

7. *And be it enacted*, That, in order to have a uniformity in the return of the abstracts of the ratables of the several counties, the secretary of state be authorized to furnish the county clerks in each of the several counties of this state with blanks to be used and filled up by the several boards of assessors.

8. *And be it enacted*, That this act shall go into effect immediately.

Approved, April 16, 1846.

A further supplement to the act entitled, "An act to erect a part of the county of Gloucester into a new county, to be called the county of Camden."

Construction of certain parts of supplement of April 1, 1846.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the month of April, mentioned and referred to in the second and sixth sections of the act of the legislature of this state, approved the first day of April, in the year of our Lord one thousand eight hundred and forty-six, and entitled "A further supplement to the act entitled, an act to erect a part of the county of Gloucester into a new county, to be called the county of Camden," shall be taken and construed to mean the month of April, in the year of our Lord one thousand eight hundred and forty-six; and any notice that has been, or shall be given in conformity with the said sixth section of the said supplement, of the day of an election for the seat of justice of the said county of Camden, shall be considered and intended as referring to the fourth Tuesday of April, eighteen hundred and forty-six.

4. *And be it enacted*, That this act shall take effect immediately.

Approved, April 16, 1846.

AN ACT for the relief of Mary Ann Lot, of the county of Sussex.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and directed to pay to Mary Ann Lot, widow of Bartholomew Lot, deceased, a soldier of the Revolutionary war, or to her order, thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made the tenth day of April, instant.

Pension of \$300
granted to M.
A. Lot.

Approved, April 17, 1846.

AN ACT relative to fishing in the Rancocas creek, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall affix, fasten, or set any net or nets, or use any device or devices, whatsoever, that may tend to obstruct or hinder shad from going up or down the Rancocas creek, in the county of Burlington, shall for each and every offence be liable to a penalty of twenty dollars, to be recovered by action of debt, with costs of suit, in any court of record having cognizance thereof, one half to be paid to the person prosecuting for the same, and the other half to the overseer of the poor, for the use of the poor of the township in which the offence shall have been committed; and the boat or boats, net or nets, used by any person or persons in violating the provisions of this act, shall be liable for the penalty herein set forth; *provided always*, that such prosecution shall be commenced within six months after the said offence shall have been committed; *and provided also*, that nothing in this act contained shall extend to prevent any person or persons from drawing or sweeping with seines or nets, or fishing with hoop-nets in said creek, as heretofore.

Penalty for ob-
structing pas-
sage of fish.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, April 17, 1846.

AN ACT to establish public schools.

\$30,000 to be appropriated annually.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That it shall be the duty of the trustees of the school fund of this state for the time being, on or before the first Monday of April next, and on or before the first Monday of April in every year thereafter, to appropriate out of the annual income of said fund for the support of public schools the sum of thirty thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant signed by the governor, upon the treasurer of the state, who is directed to pay the same; which sum so drawn from the treasury as aforesaid, shall be replaced by the annual income of said school fund, so soon as the same shall be received.

Trustees to make apportionment.

2. *And be it enacted,* That as soon as the said appropriation shall be made, it shall be the duty of the said trustees to apportion the same among the several counties of this state, in the ratio of the last taxes paid for the support of the government of this state by the said counties, respectively, a true list of which apportionment shall be made out and filed with the treasurer, whose duty it shall be forthwith to give notice in writing to the collectors of the several counties, of the sum apportioned to each county, and the said collectors shall thereupon have power to draw for the same; and it shall also be the duty of the trustees of the school fund to prepare and submit to the legislature an annual report, containing estimates and accounts of expenditures of all moneys appropriated by them, together with such other matters connected with the school fund as they shall deem advisable.

Board of chosen freeholders to make apportionment to townships.

3. *And be it enacted,* That the boards of chosen freeholders in the several counties of this state shall, at their annual meetings in each year, apportion among the several townships in their respective counties the money so as aforesaid received from the treasurer, in the ratio of the county tax paid by the several townships, a true list of which apportionment shall be filed by the clerk of the said board, and a duplicate copy thereof filed with the county collector; and it shall be the duty of the clerks of the said boards of chosen freeholders, respectively, as soon as such apportionment shall be made and filed as aforesaid, to give notice in writing to the collectors of the several townships in their respective counties of the amount so apportioned to the respective townships; and it shall be the duty of the said township collectors, on the receipt of such notice, to draw upon the county collector for the same.

4. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized, empowered, and required, at their annual town meetings, to raise, by tax or otherwise, in addition to the amount so apportioned to their use, such further sum or sums of money as they may deem proper for the support of public schools, at least equal to and not more than double the amount of such apportionment.

Amount to be raised by town meeting.

5. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized and empowered, at their annual town meetings, to elect and choose, in the same manner as other township officers are elected, one suitable person, who shall be denominated a town superintendent of public schools for the respective townships, whose duty it shall be, on or before the second Monday in May next succeeding, to set off and divide their respective townships into convenient school districts, with power to alter and change them, as circumstances may require; and in case a district can be more conveniently formed of parts of two or more adjacent townships or counties, it shall be lawful for the town superintendents of such adjacent townships to make such division.

Town superintendent to be elected.

6. *And be it enacted*, That it shall be the duty of the town superintendent in each township, within twenty days after the school districts shall have been set off and divided as aforesaid, to prepare a notice in writing describing such districts, and appointing a time and place for the first district meetings, a copy of which notice shall be set up in three of the most public places within each of the said districts, at least ten days previous to the time of such meeting; and that district meetings shall be held annually, on the first Monday of April thereafter, of the time and place of which annual meeting ten days' notice in writing shall be given by the town superintendent.

Notice to be given of district meetings.

7. *And be it enacted*, That it shall be lawful for the taxable inhabitants of the several school districts in this state, when assembled in pursuance of the notice given as aforesaid, to elect, by a plurality of votes, three or more discreet persons, who shall constitute the trustees for the respective districts, and who shall hold and exercise their offices for one year and until others are duly elected; and the said trustees may resolve and determine how many months in the year a school shall be kept and maintained within their respective districts, and may also designate a site for the district school-house.

District trustees, to be elected.

8. *And be it enacted*, That it shall be the duty of the board of chosen freeholders in each of the several counties of this state, at their annual meetings, to elect and choose two persons, citizens of said county, who shall constitute a board of examiners and visitors in and for said county, whose duty

Chosen freeholders to elect examiners.

it shall be to meet at such times and places as the said board of examiners shall determine and appoint, and, in common with the town superintendents of the respective townships, to examine and license, by certificate under their hands and seals, suitable persons as teachers of public schools within said county, having regard always to their scholarship and moral character; which license shall be restricted to the county where the same may be given, but may be revoked and renewed at the pleasure of the board of examiners; and that the members of the said board of examiners shall receive, as a compensation for their services, the sum of one dollar for each and every day by them actually employed in the duties of their office, to be paid to them by the county collector; and in case the board of chosen freeholders of any county shall neglect to appoint examiners as aforesaid, then it shall be the duty of the town superintendent of each and every township in such county to examine such teachers, and give such license as aforesaid; and no teacher shall be entitled to receive any amount of public money, unless possessed of a license.

Duties of district trustees.

9. *And be it enacted*, That it shall be the duty of the trustees of the several school districts in the state, as soon as may be after their election as aforesaid, to provide a suitable house or room, where a school shall be taught, and to contract with and employ a competent teacher, having a certificate of license for such county, and to pay the wages of such teacher, as far as the same shall be paid out of the public money or money appropriated by the township, by an order in writing, signed by them, or a majority of them, stating the purpose for which it is given, and in favour of the one entitled to receive it; and it shall also be the duty of the said trustees, within twenty days after their election, to make out a list of the children capable of attending school between the ages of five and sixteen years, within their said districts, together with the names of the parents or guardians of such children, and to transmit the same to the town superintendent of the township of which such district forms a part; and in case the trustees shall neglect or refuse to render such report, they shall be subject, respectively, to a penalty of ten dollars for each and every neglect.

Duties of town superintendent.

10. *And be it enacted*, That it shall be the duty of the town superintendents in the several townships of this state, upon the receipt of the lists of children within the respective districts, transmitted to him as aforesaid, to apportion the money received by their respective township collectors as herein before provided for, and also, all other moneys which may be raised by their respective townships for the support of public schools, among the several school districts so as aforesaid formed, in

the ratio of the number of children capable of attending school, between the ages of five and sixteen years, in each district, a true list of which apportionment shall be made out, and a copy thereof filed with the trustees of the respective townships; it shall also be the duty of the town superintendent in each and every township, within ten days after his appointment, to receive from the town collector all moneys appropriated to school purposes, and who shall also enter into a bond to the inhabitants of said township, in their corporate name, with two good and sufficient securities, being freeholders and resident in said township, to be approved by the township committee; and the said town superintendent to pay over no money so appropriated as aforesaid, except upon the written order of the trustees, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the money, and endorsed by him; and the township collector is hereby authorized to pay over to the person so appointed town superintendent, all the money which he may receive, either from the county collector or collected by himself, and take a receipt therefor, which shall be sufficient evidence of such payment.

11. *And be it enacted*, That it shall and may be lawful for the trustees of two or more of the school districts in any township, city, or borough of this state, to unite and consolidate the respective quotas of the school money apportioned to them, for the purpose of establishing one or more free schools in said township, city, or borough; which school or schools, so determined upon, shall be under the supervision of the town superintendent, whose duty it shall be to determine what pupils shall be admitted, and upon what terms, and in general to discharge the office of trustees of such school or schools.

Free schools may be established.

12. *And be it enacted*, That where the patrons or proprietors of any school already organized and established under the care of any religious society or denomination of christians, whose church discipline provides for the establishment of schools and the appointment of trustees, are unwilling to relinquish such school, and become subject to all the provisions of this act, it shall be the duty of the trustees of said school to transmit to the town superintendent of their respective townships a certificate of their organization, together with a list of the children of such patrons and proprietors, between the ages of five and sixteen years, who are capable of attending school; whereupon every such school shall be entitled to receive its just and ratable proportion of the money assigned to said township out of the income of the school fund, and of such additional sum as may be raised or appropriated by said township for the support of public schools; which apportionment shall

Patrons, &c., of organized schools to receive ratable proportion of money assigned to township.

be made by the town superintendent of the respective townships, and a copy thereof filed with the township collector, whose duty it shall be to pay to the trustees of said school their just proportion of such moneys, for the use and benefit of said school.

Town superintendent to make annual report.

Penalty for neglect or refusal.

13. *And be it enacted*, That it shall be the duty of the town superintendent in each and every township in this state to visit every school in said township, at least once in every quarter, to examine into the condition of the same, to advise and consult with the trustees and teachers, and cause the result of such visit to be entered upon a book to be kept for that purpose in each and every school, and to make out a report in writing, and to transmit the same to the state superintendent of common schools on or before the fifteenth day of December, in each and every year, of the state and condition of the schools within their respective townships, the number of scholars taught therein, the terms of tuition, the length of time the school has been kept open therein, the amount of money received by him, and the manner in which it has been appropriated and expended, together with such other information as he may think necessary or may be required by the state superintendent, a copy of which report shall be read at the next annual town meeting; and in case the said town superintendent shall neglect or refuse to make such report, he shall incur the penalty of ten dollars; the town superintendent of each and every township shall, within ten days after the expiration of his office, render to his successor in office a just and true account in writing of all school moneys received by him before the time of rendering such account, and of the manner in which the same has been appropriated and expended by him; and the account so rendered shall be delivered by such successor to the town clerk, to be filed in his office, and recorded by him in a book to be kept for that purpose; and if, on rendering such account, any balance shall be found remaining in the hands of the town superintendent, the same shall immediately be paid over by him to his successor in office; every town superintendent who shall refuse or neglect to render such an account as is above required, or neglect or refuse to pay over any balance in his hands, shall forfeit for each offence the sum of fifty dollars.

State superintendent, his powers and duties.

14. *And be it enacted*, That there shall be a state superintendent of public schools, whose duty it shall be to see that the laws respecting public schools are faithfully executed, and the moneys appropriated for their support fairly applied, to ascertain from examination, and suggest from experience, such amendments or alterations in the school law as may be required, to visit the different counties, and as far as practicable the different towns, and consult and advise with the county exa-

miners, visitors, and town superintendents thereof, and, on or before the fifteenth day of January, in each and every year, to make a written report to the legislature, containing a statement of the condition of the public schools throughout the state, and such other matters as he may deem expedient; *provided*, that the provisions of this section shall not extend to any county in this state until the board of chosen freeholders of such county, desirous to come under the provisions of the same, shall first give notice to the trustees of the school fund of such desire; and upon and after the receipt of such signification by the secretary of state, the provisions of this section shall apply to and extend to such county.

15. *And be it enacted*, That it shall be the duty of the state superintendent of common schools to prepare suitable forms and regulations for making all reports and conducting all proceedings prescribed by law in relation to public schools, together with a copy of all the acts in relation thereto, and to transmit the same, with such suggestions as he shall deem necessary and proper for their better organization and government, to the town superintendents of the several townships throughout the state; and the trustees of the school fund are hereby authorized to allow such sum as they may deem just and reasonable, as a compensation for the labour and expense attending the same, which sum shall be paid by the treasurer, on the order of the governor, out of any money in the treasury not otherwise appropriated.

State superintendent to town superintendents to prepare forms, &c.

16. *And be it enacted*, That the said town superintendents shall receive, as a compensation for the services required of them by this act, the sum of one dollar per day, to be paid to them by the township collector, out of the funds of the township; *provided*, that no compensation shall be paid by the said township collector, until the said town superintendents shall produce an acknowledgment of the state superintendent that he received from them a copy of the report required to be made by the preceding section of this act.

Compensation to town superintendents.

17. *And be it enacted*, That in the erection or alteration of a school district, the trustees of any district to be affected thereby, may apply to the township committee to be associated with the town superintendent, and their action shall be final.

18. *And be it enacted*, That it shall be the duty of the trustees, together with the town superintendent, to select such books as they shall deem proper to be introduced into the several schools of said township or district.

Trustees and superintendent to select books.

19. *And be it enacted*, That it shall be the duty of the clerk of the several boards of chosen freeholders in this state, to report to the state superintendent the names and residences of

Names of examiners and town superintendent to be reported to state superintendent.

the persons appointed visitors and examiners in the different counties; and it shall also be the duty of the town clerk in each township in this state, to report to the state superintendent the name and residence of the person elected as town superintendent, within ten days after such election.

Moneys, how
applied.

20. *And be it enacted*, That all moneys received by the town superintendent shall be applied exclusively to the purposes of education.

Compensation
to state super-
intendent.

21. *And be it enacted*, That the state superintendent of common schools shall be appointed by the trustees of the school fund, and shall hold his office for two years.

Penalties, how
collected and
applied.

22. *And be it enacted*, That all the penalties imposed by the provisions of this act, shall be enforced and collected by the township committee of the several townships in this state, and applied for the benefit of public schools in said townships.

23. *And be it enacted*, That this act shall go into effect immediately.

Approved, April 17, 1846.

AN ACT to provide for compensation to the revisors of the public statutes.

Compensation
to revisors.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized to pay out of any moneys in the treasury not otherwise appropriated, the sum of five hundred dollars, each, to the revisors, appointed by an act entitled, "An act to provide for revising the statute laws of this state," approved April second, eighteen hundred and forty-five; and that when the remaining duties required of them by law shall have been completed, and the said revised statutes shall have been printed, with an appropriate index, to be prepared by them, with tabular statements to the titles and chapters, and delivered to the treasurer, the said treasurer be, and he is hereby authorized to pay to the said revisors the further sum of two hundred and fifty dollars, each, as a full compensation for their services.

To be in full.

2. *And be it enacted*, That the above specified compensation shall be lieu and in full of the compensation provided or intended by the fourth section of the act entitled, "An act to provide for revising the statute laws of this state," approved April the second, eighteen hundred and forty-five.

Approved, April 17, 1846.

A further supplement to an act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," passed February twenty-fifth, eighteen hundred and twenty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever hereafter any building shall be erected within the territorial limits and bounds of the city of Camden, by contract in writing, such contract shall be duly filed and recorded in the clerk's office of the quarter-sessions of the peace of said city of Camden; and payment to the contractor or contractors, according to the terms and conditions of such contract, shall discharge such building, and the owner thereof, from all liens filed under the act to which this is a further supplement, or under any of the supplements thereto; and the fourth section of the act to which this is a supplement be, and the same is hereby repealed.

Contracts for buildings in Camden to be filed, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, April 17, 1846.

AN ACT supplemental to "An act to establish public schools," and to repeal certain acts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the school committees of the several townships, cities, boroughs, and wards in this state, elected during the present year, shall perform the duties enjoined upon the town superintendents by the act entitled, "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six.

Town committees to perform duties of town superintendents

2. *And be it enacted*, That the act entitled, "An act to establish public schools," passed the first day of March, in the year of our Lord one thousand eight hundred and thirty-eight, and the several supplements thereto, be, and the same are hereby repealed; *provided however*, that such repeal shall not affect any act done, or right accrued or established, or any

Former acts repealed.

election had or appointment made under or by virtue of the said act, or the supplements thereto, but the same shall remain as valid and effectual as if the same had not been repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved, April 17, 1846.

AN ACT to defray incidental expenses.

Certain incidental charges to be paid.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay to the several persons herein after named the following sums, viz :

1. To Stacy A. Paxson, treasurer, for travelling expenses to Philadelphia and Paterson to receive dividends on stock, attending sales of Paterson lands, and for packing and delivering pamphlet laws of the sixty-ninth legislature, office rent for one year, charcoal for Senate and Assembly, and sundries, as per bill, one hundred and eighty-nine dollars and fifty-one cents.

2. To John C. Miller, for stoves, fireboards, tin, &c., and for labour in setting up stoves, &c., in state house, as per bills rendered, one hundred and ninety dollars and sixty-two cents.

3. To George S. Hutchinson, for services rendered in repairing state house, sixteen dollars.

4. To Obadiah Howell, for candles, ink, tape, &c., for the use of Senate, seventy-eight dollars and seventy-two cents.

5. To George H. Tindall, for work done to fence on government lot and putting on lock in senate chamber, two dollars.

6. To Andrew Thompson, for repairing press for office of secretary of state and sundry services, as per bill, thirteen dollars and fifty cents.

7. To president and directors of Trenton Water-works, for water twelve months, ten dollars.

8. To B. W. Titus, for oil cloth, carpet, &c., for state house, twenty-five dollars and ten cents.

9. To Charles Brearley, for oil, turpentine, paint, &c., for state arsenal, six dollars and seventy-seven cents.

10. To Jos. G. Brearley, for stove for office court of chancery and sundries, per bill, seventeen dollars and fifty cents.

11. To Stryker & Steward, for candles, muslin, &c., for supreme court room, eleven dollars and seventy-two cents.

12. To Hutchinson & Clark, for candles and sundries for court of errors, thirty-one dollars and twenty-eight cents.

13. To David Milledge, for two mats, two dollars and eighteen cents.

14. To Anthony Rowley, for six umbrella tubs, and painting the same, thirteen dollars and fifty cents.

15. To Henry K. How, for two chamois skins, one dollar.

16. To Asher Temple, for taking up carpets, taking down and moving stoves, &c., in state house, three dollars and fifty cents.

17. To Elias Phillips, for wash-bowls, tumblers, pitchers, and sundries for senate and assembly rooms, eleven dollars and twenty-five cents.

18. To Orin Pharo, for advertising relative to special election to fill vacancy occasioned by the decease of Samuel G. Wright, six dollars and fifty cents.

19. To Charles Parker, George S. Green, and Samuel S. Stryker, for appraising stock at state prison, seventy-three dollars and fifty cents.

20. To Jones & Corlies, for a box of candles, April 4th, 1845, ten dollars and seventy-one cents.

21. To William Ryno, sergeant-at-arms, for taking charge of assembly room from adjournment of last session of the legislature to the commencement of present session, thirty dollars.

22. To Samuel G. Arnold, for advertising governor's proclamation, two dollars.

23. To John C. Cook, for two high stools for office of court of chancery, six dollars and fifty cents.

24. To Richard Thomas, for sundry hardware for state house, eighteen dollars and seventy-three cents.

25. To Thomas Macpherson, for stationery for Senate and Assembly, ninety-two dollars and fifty-five cents.

26. To Sylvester Vansickell, for sofa for governor's room and sundry services at state house, sixty dollars and fifty-seven cents.

27. To George S. Hutchinson, for taking charge of senate chamber during the recess of the legislature, per resolution of Senate, thirty dollars.

28. To Howell & Page, for desks, tables, stove-box, &c., for library room, twenty-three dollars and twenty-five cents.

29. To William DeHart, librarian, for cash paid several persons for services rendered in moving library, &c., sixteen dollars, as per receipts.

30. To W. A. & A. B. Green, for fifteen and a half tons coal and a half cord hickory wood, seventy-six dollars and thirty-eight cents.

31. To Jonathan S. Fish, for thirty-one tons coal, one hundred and forty-seven dollars and twenty-five cents, for state house, and nine dollars, for two tons coal for arsenal.

32. To S. H. Lake, for carting for state arsenal, one dollar and sixty-two cents.

33. To Samuel R. Hamilton, for cartage for arsenal, seventy-five cents.

34. To Charles G. McChesney, for services digesting election laws, making marginal notes, comparing proof sheets, &c., agreeably to joint resolution of the legislature of April 4th, 1845, and for expenses paid circulating the same, as per receipts, seventy-four dollars and twenty-two cents.

35. To John C. Cook, for two high stools for office of the supreme court, six dollars and fifty cents.

36. To Fish, Green & Co., for lumber, four dollars and forty-one cents.

37. To the city of Trenton, for fuel and use of city hall for court of errors, five dollars.

38. To William Grant, for carpenter work on fence at state house yard, two dollars and seventy-five cents.

39. To Joseph G. Brearley, for bill for hardware, as per bill, thirty-nine dollars and thirty-eight cents.

40. To A. G. Cattell, for bill of stationery, one hundred and thirty-three dollars and sixty-two cents; and also, for indexing and preparing a copy for printing the journal index of the session of 1845, fifty dollars.

41. To Cornelius Boice, one of the commissioners to examine the affairs of the Plainfield Bank, ten dollars.

42. To William B. Kinney, for sundry advertising, as per bill, fifteen dollars and twenty cents.

43. To Enoch Burroughs, for sundry labour, as per bill, eight dollars and twenty-five cents.

44. To William C. Howell, for surveying at the asylum farm, &c., thirteen dollars.

45. To William Pearson, for locks, keys, and services for state house, sixteen dollars and twenty-five cents.

46. To Joseph W. Andrews, for painting and varnishing chairs and mending settees for state house, forty-two dollars and eighty cents.

47. To O. Howell, for bill of candles, ten dollars and twenty-eight cents.

48. To Stryker & Steward, for bill of candles, ten dollars and seventy-one cents.

49. To Daniel Dodd, for bill of stationery, one hundred and two dollars and twenty-one cents, and for indexing journal of Senate, joint-meeting, &c., fifty dollars.

50. To Charles Scott, for stationery for governor, court of errors and appeals, and office of secretary of state, one hundred and ten dollars ninety-three cents.

51. To Charles Scott, for stationery for office secretary of state, twelve dollars and twenty-five cents.

52. To Charles Scott, for stationery for office of the clerk of court of chancery, one hundred and thirty-one dollars and thirty-eight cents.

53. To Charles Scott, for stationery for House of Assembly, sixty-seven dollars and seven cents.

54. To Charles Scott, for stationery for use of Senate and engrossing clerk of Senate, one hundred and twenty-eight dollars and forty-one cents.

55. To Charles Scott, for stationery for state library, six dollars.

56. To Charles Scott, for stationery for the office of supreme court, sixty-six dollars and seventy-four cents.

57. To John C. Miller, for stoves and sundries for court of chancery room, and putting up the same, &c., sixty-one dollars and fifty cents.

58. To Richard R. Wright, for going to the state of Delaware, on requisition of the governor, to demand William M. Porter, a fugitive from justice, twelve dollars and seventy-five cents.

59. To Hutchinson & Clark, for candles and brooms for Senate, eleven dollars and four cents.

60. To S. & E. Roberts, for cleaning two clocks, three dollars.

61. To Benjamin S. Disbrow, for tables and desks, books, &c., for the chancery office and office of the supreme court, fifty-two dollars and sixty-two cents.

62. To Phillips & Boswell, for printing, paper, and folding five hundred copies of laws for holding courts in this state, &c., eleven dollars and fifty cents.

63. To Phillips & Boswell, for printing commissions, rules of court of errors, &c., as per bill, seventy-three dollars and fifty cents.

64. To Sherman & Harron, for printing pamphlets and bills of the Assembly and Senate, including the revision bills, three thousand sixty-six dollars and sixty-eight cents.

65. To each of the members of the Senate and General Assembly, any sum not exceeding ten dollars, for their incidental expenses during the present session of the legislature.

66. To John Galager, for ninety-five days' attendance, making fires, stowing away coal, and general attendance during the session of the legislature, ninety-five dollars.

67. To William Taylor, for carting weights and measures, one dollar and fifty cents.

68. To Howell & Page, for fitting south library, agreeably to joint resolution, thirty-three dollars.

69. To George H. White, as coroner of Monmouth county for extra expenses accruing relative to the John Minturn and other wrecked vessels on the Monmouth shore, and burying dead bodies of passengers of said vessels, drowned, &c., as per bill, one hundred and ten dollars.

70. To Amos Hogeland, for bill of candles, ten dollars and forty-five cents.

71. To Jonathan Cook, for horse and carriage hire for state prison and asylum committees, thirteen dollars.

72. To Robert E. Hornor, for preparing the index to the old and new election law, printing said index, &c., seventeen dollars and fifty cents.

73. To David Clark, for five dozen ink and sand stands, twelve dollars and fifty cents.

74. To Isaac Fowler, for cleaning city hall for terms of court of errors, court of chancery, court of appeals, and supreme court, twenty-six dollars.

75. To A. C. Davis, clerk, for stationery for Assembly, four hundred and thirty dollars and thirty-three cents.

76. To Thomas Macpherson, for paper for Assembly, two dollars.

77. To Charles G. McChesney, for engraving executive seal, five dollars.

78. To A. R. Titus, for carpeting, &c., for state house, three dollars and thirty-six cents.

Approved, April 18, 1846.

AN ACT to regulate the state library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be elected triennially, Librarian to give bond. by the Senate and General Assembly, in joint meeting, a state librarian, who shall hold his office for the term of three years and until a successor is chosen and qualified to serve; and said librarian shall, before he enters upon the duties of his said office, enter into bond to the state of New Jersey, with two good and sufficient sureties, being freeholders in the said state, in the penal sum of one thousand dollars, to be approved by one of the justices of the supreme court, conditioned that if he shall well and truly execute the office of state librarian, and in all things touching and concerning said office, shall well and truly, faithfully and impartially, perform the same, as well with respect to all persons whatsoever concerned as to the said state of New Jersey, and at the expiration of his said office shall deliver all the books, pamphlets, records and papers remaining in the said library, or appertaining thereto, to his successor in office, then the said obligation to be void, otherwise to be and remain in full force and virtue; and shall also take an oath or affirmation, before one of the said justices, that he will well, truly, faithfully, and impartially execute all the duties of state librarian agreeably to law, according to the best of his skill and understanding; which said bond and affidavit shall be filed in the office of secretary of state, there to remain of record.

2. *And be it enacted*, That the library shall be kept open, Persons entitled to use of library. in the state house, at all times during the session of the legislature and of the courts of this state, and of the United States,

which sit at Trenton (Sundays excepted), in each day, from nine o'clock in the morning until six o'clock in the evening, and shall be for the use of the members of the legislature, the secretary and clerks of the respective houses, the officers of the executive department of the state government, judges of the district and circuit courts of the United States, district attorney, chancellor, judges of the supreme court and of the court of errors and appeals of this state, adjutant and quartermaster generals, attorneys of the supreme court, and all other persons who have been, or may be at any time entitled by law to the use of books from such library, when any of them shall be at the seat of government.

Librarian to
make rules, &c.

3. *And be it enacted*, That it is further made the duty of the librarian, with the advice and consent of the governor, treasurer, and secretary of state, or any two of them, to prescribe, from time to time, such rules and regulations for the government of the library as they shall think proper, and a copy of such rules shall at all times be set up in a conspicuous place in the library for inspection; and all fines and forfeitures accruing under and by virtue of such by-laws, shall be recoverable by action of debt, to be brought by the treasurer, before any court having jurisdiction of the amount, in the name of the state of New Jersey, for the use of the state library; and in all such trials, the librarian shall be a competent witness, and his entries, to be made as herein after directed, shall be prima facie evidence of the delivery of the book or books, and the date of such delivery.

Librarian to
make entry of
books loaned.

4. *And be it enacted*, That the librarian shall arrange the books in proper order, and preserve them from being injured by moths, moulding, or otherwise, as far as practicable; he shall keep proper books, in which he shall make an entry of all books taken out, designating the name of the person taking the same, and also of the books returned; he shall also keep an accurate catalogue of books belonging to the library, alphabetically arranged, and shall, in the month of January, annually, report to the legislature a full and complete statement of the condition of the library, naming the books lost and destroyed, if any there be, and the cost of such works, and the name or names of the individuals to whom they were charged, together with the fines assessed and collected under the rules and regulations to be prescribed as aforesaid; he shall also keep an account of the manner in which moneys appropriated for the improvement of the library shall be expended.

Annual expenditure for increase of library.

5. *And be it enacted*, That there shall be expended annually, by the librarian, under the direction of the governor, secretary of state, and treasurer, or any two of them, the sum of two hundred and fifty dollars for the increase of the state li-

rary; out of this fund he shall procure the binding of one copy of each volume of the laws and reports of other states and territories sent to this state, and also of ten copies of the laws and joint resolutions passed at each session of the legislature, ten copies of each of the journals of the Senate and General Assembly, five copies of the Chancery Reports, five copies of the Supreme Court Reports, one copy of the bills of each house, and such other books as may require binding or rebinding.

6. *And be it enacted*, That it shall be the duty of the secretary of the Senate and clerk of the General Assembly to deliver to the librarian, immediately after the final action of both houses, each and every bill and joint resolution lost upon its final passage; and at the close of each session, they shall also deliver to the librarian all bills laid on the table and unacted upon, together with those indefinitely postponed or postponed to the next sitting of the legislature.

Bills not passed to be deposited in library.

7. *And be it enacted*, That the librarian shall be allowed for his services the sum of two dollars for every day he shall be employed during the session of the legislature and the sitting of the above mentioned courts (while in session as held in the state house), and for all other duties he shall receive one dollar for each and every day necessarily employed; his account shall be audited by the secretary of state, and paid out of the treasury, upon warrants drawn by the president of the Senate or governor of this state for the time being.

Compensation to librarian.

8. *And be it enacted*, That there shall be appointed annually, a joint committee of the legislature, whose duty it shall be to examine into the condition of the library, order any repairs that may be necessary, and recommend additions and improvements to the same, by exchange, purchase, or otherwise; they shall also report to the legislature the manner in which the money appropriated for the enlargement of the library has been expended, and whatever else they think proper to make the same useful.

Committee to examine library.

Approved, April 10, 1846.

AN ACT for the preservation of clams and oysters.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That from and after the first day of

Beds not to be raked at certain times.

May until the first day of September, yearly and every year, no person, under pretence of taking clams or shell-fish, or under any other pretence whatsoever, shall rake on any oyster bed in this state, or gather any oysters or shells on any bank or beds within the same; and in case any person shall so do, whether oysters be taken or not, he shall for every offence forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same in any court of record in this state having cognizance of that sum, one moiety thereof to the use of the prosecutor, and the other moiety to the county collector, for the use of the county in which the offence was committed; *provided*, that nothing in this section shall be so construed as to prohibit any person or persons from taking oysters from beds planted out by him or them pursuant to this law.

Penalty for using dredges.

2. *And be it enacted*, That in case any person residing in or without this state, shall at any time hereafter rake for or gather oysters in any of the rivers, bays, or waters of this state with a dredge, or instrument so called, or shall be on board of any canoe, boat, or vessel employed in raking with such implement, such person so offending shall forfeit and pay the sum of fifty dollars, to be recovered in the manner and for the use mentioned in the next preceding section; *provided*, that this and the sixth sections shall not extend, so far as regards persons residing in this state, to the Delaware bay.

Proviso.

Justices of the peace to issue warrant, &c.

3. *And be it enacted*, That it shall be the duty of every justice of the peace, upon his own view or the information of any person on oath or affirmation, to issue his warrant to one or more of the constables in his county, commanding him or them to require such and so many persons as he or they deem necessary, to aid and assist him or them in apprehending every person offending against either of the preceding sections, in any of the bays, rivers, or waters of this state, and forthwith to bring such offender, when apprehended, before the said justice, or any other justice of the peace of said county, to be proceeded against in the manner herein before directed.

Penalty for offering oysters for sale at certain seasons.

4. *And be it enacted*, That if any person shall hereafter sell, or offer for sale, oysters in any part of this state, between the first day of May and the first day of September, such person shall, for every such offence, forfeit and pay five dollars, to be recovered and applied in manner directed in and by the first section of this act.

Penalty for gathering oysters for lime.

5. *And be it enacted*, That if any person shall at any time hereafter rake or gather oysters in any of the rivers, bays, or waters of this state, for the purpose of burning or converting them into lime, or for the purpose of conveying them to any

of the landings to be used in the manufactory of iron in any of the furnaces in this state, or shall land them on any bank or landing for either of the purposes aforesaid, every person so offending shall forfeit and pay fifty dollars for each and every offence, to be recovered and applied in manner directed by the first section of this act.

6. *And be it enacted*, That no canoe, scow, boat, or vessel, employed in navigating any of the waters, bays, or rivers of this state, shall have on board of the same any instrument called a dredge, for catching or raking oysters or shell-fish; and the master or owner or owners of every such canoe, scow, boat, or vessel, that shall have on board of the same any such instrument, shall forfeit the sum of fifty dollars, to be recovered in the manner and for the use mentioned in the first section of this act. Vessels not to carry dredge.

7. *And be it enacted*, That it shall not be lawful for any person who is not at the time an actual inhabitant and resident of this state, and who has not been for six months next preceding an actual inhabitant or resident as aforesaid, to rake or gather clams, oysters, or shell-fish, either on his own account and benefit or on account and benefit of his employer, in any of the rivers, bays, or waters of this state, on board of any canoe, flat, scow, boat, or other vessel; and every person who shall offend herein shall forfeit and pay twenty dollars, to be recovered and applied in the manner directed by the first section of this act; and the said canoe, flat, scow, boat, or other vessel, used and employed in the commission of such offence, with all the clams, oysters, clam-rakes, tongs, tackle, furniture, and apparel, shall be forfeited, and the same seized, secured, and disposed of, in the manner prescribed in the ninth and tenth sections of this act. Non-residents not to gather oysters, clams, &c.

8. *And be it enacted*, That any action under the first, sixth, or seventh sections of this act, may be commenced by warrant in the court for the trial of small causes, and be proceeded in as in other cases when the same are commenced by warrant, any law; usage, or custom to the contrary notwithstanding. Actions under this act, how commenced.

9. *And be it enacted*, That it shall be the duty of all sheriffs and constables, and may be lawful for any other person or persons, to seize and secure any such canoe, flat, scow, boat, or other vessel as aforesaid, and immediately thereupon give information thereof to two justices of the peace of the county where such seizure shall have been made, who are hereby empowered and required to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same; and in case the same shall be condemned, it Offenders, how proceeded against.

Proviso.

Island sound as lie within the township of Elizabeth, to plant and lay clams, oysters, or other shell-fish upon, within, or above such flats and coves, and one chain beyond the same; *provided* the clams and oysters thus planted shall be enclosed and designated by stakes placed beyond them within the prescribed limits, not less than six rods apart, and of such length as to be at least two feet above ordinary high water; and *provided also*, that this section shall not be so construed as to take away or in any wise impair the common rights of citizens to any natural oyster beds which may be embraced by the boundary herein specified.

Penalty for taking oysters within certain limits without permission.

17. *And be it enacted*, That any person or persons who shall gather or take away any oysters or clams upon, above, or within the limits aforesaid, without permission first had and obtained from such owner or owners, person or persons occupying under such owner or owners as aforesaid, shall be liable to the same forfeitures and the like suits for damages, to be recovered and sued for in manner as is directed and provided in the fifteenth section of this act; *provided*, that nothing in this act shall prevent the legislature from the repeal or modification of this and the last foregoing section, at their pleasure

Setting up stakes may be omitted in certain cases.

18. *And be it enacted*, That in coves and places where notorious and plain ranges or landmarks can be erected and established on contiguous shores, whereby the boundaries of planted beds of oysters may be clearly known and distinguished without danger of mistake, and where in such coves or places such notorious or plain ranges or marks on contiguous meadows or shores shall have been erected and established by stakes or other plain monuments, so that they may be plainly known and distinguished without danger of mistake, and due notice thereof being given, that then and in such cases the provisions of the two last foregoing sections in regard to the planting and setting up of stakes, may be dispensed with, in respect to such places as above described.

Time for taking oysters in certain counties.

19. *And be it enacted*, That the time within which the taking and vending of oysters is prohibited by the first and fourth sections of this act, is hereby extended to the first day of October, yearly and every year, in the counties of Burlington, Monmouth, and Atlantic only, under the same penalties and regulations as are therein contained; *provided*, that planted oysters may be taken up at any time by the person owning the same.

Old shells not to be removed from natural beds.

20. *And be it enacted*, That no person or persons, under any pretence of taking oysters, or under any other pretence whatever, shall take, remove, or carry off from any natural oyster banks or beds, in this state, any old shells, other than

uch as cannot be removed or separated from the oysters, without injuring the same; and all such shells shall be culled and separated from the oysters, and thrown back again upon the said natural banks or beds; and in case any person or persons shall so take, remove, or carry off from said natural banks or beds, whether oysters be taken or not, without first so separating the old shells from the oysters, he or they shall for every offence forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state having cognizance of that sum, one half thereof to the use of the prosecutor, and the other to the overseer of the poor, for the use of the poor of the township in which the offence was committed, and the canoe, flat, scow, boat, and other vessel, used and employed in the commission of the offence in this section mentioned, shall be liable to seizure, and be applied to the payment of such penalty; *provided however*, that nothing in this act contained shall be so construed as to prohibit any person or persons from taking, removing, or carrying any shells from beds planted out by him or them pursuant to law.

21. *And be it enacted*, That it shall not be lawful for any person or persons to sell, or offer for sale, by the bushel or otherwise, any small clams which may have been taken in the waters of the county of Atlantic, unless the said clams shall be of such a size that a bushel will not contain more than four hundred; and if any person or persons shall so sell, or offer for sale, any such clams, four hundred of which will not make a bushel, such person or persons shall for every such offence forfeit and pay ten dollars, to be recovered, with costs, by action of debt, by any person who shall prosecute for the same, in any court of record in this state having cognizance of that sum, one half to the overseer of the poor, for the use of the poor of the township in which the offence shall have been committed, and the other half to the person who shall sue for the same.

Penalty for selling clams under certain size taken in Atlantic county.

Approved, April 14, 1846.

AN ACT to provide for auditing the public accounts.

Duties of auditor.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey.* That the secretary of state, in performance of the duties required of him by the constitution as auditor of the accounts of the treasurer, shall make and enter in a book to be kept for that purpose a specification of the nature and amount of the ordinary sources of revenue, whence derived, and, from year to year, the amount of the last annual proceeds from each source, and also from all extra sources whatever, which book shall be produced and examined at the annual settlement of the treasurer's accounts; the secretary of state shall also audit and adjust all accounts for printing and for binding books done by authority of any public law or the legislature, and all other accounts and claims against the state which shall be by law directed to be paid out of the treasury, and not otherwise provided for.

Accounts against state to be endorsed by auditor.

2. *And be it enacted,* That all persons having accounts against the state, which by law are payable out of the treasury, unless otherwise provided, shall present the same to the secretary of state, as auditor, to be audited, who shall carefully examine the same, and, having ascertained the true amount due thereon, shall endorse in his own hand, at the foot of such account, the words "there is due on this account the sum of — (stating the amount in words), as audited and allowed by me," and shall date and sign the same as auditor, and make a record of the name of the person to whom such account is due, the amount allowed, and the date when audited, in a book to be by him kept for that purpose in his office, before he shall deliver the said account to the person presenting the same; and in the annual settlement of the treasurer's accounts, such accounts only shall be allowed as are so endorsed by said auditor, unless otherwise provided for by law.

Auditor may examine persons under oath.

3. *And be it enacted,* That the said auditor shall have full power and authority to examine, under oath or affirmation, any person or persons, whether party or witnesses, in relation to the truth and fairness of any such account so to be presented to him for examination and allowance as aforesaid.

To advertise proposals for fuel, &c.

4. *And be it enacted;* That it shall be the duty of the said auditor, on or before the first day of October in each year, to advertise, for at least three weeks in one or more of the newspapers published in the city of Trenton, for proposals to supply the necessary fuel for the use of the legislature for the ensuing year, and to contract for the same upon the most advantageous terms that may be offered, which proposals shall be filed in his office, there to remain of record; and all accounts for

articles so contracted for and furnished shall be by him, when presented, audited and allowed in the same manner as other accounts against the state are herein before directed to be audited and allowed.

5. *And be it enacted*, That the said auditor shall keep a regular account with the treasurer, in a suitable book to be by him provided, in which he shall charge the treasurer with all moneys by him received, and credit him with all accounts paid, after having been authenticated according to law.

Account to be kept with treasurer.

6. *And be it enacted*, That the said auditor, before he enters upon the duties required by this act, shall take an oath, or affirmation before one of the justices of the supreme court, that he will well, faithfully, and impartially discharge all the duties required of him by law, and that he will not allow any claim, charge, or account against this state, unless satisfied that the same is justly due; which oath or affirmation shall be filed in the office of the treasurer, to be there preserved among the public papers of his office.

Auditor to take oath.

7. *And be it enacted*, That all the books and papers belonging to the auditor's office shall hereafter be kept in the office of the secretary of state; and the said auditor shall be entitled to demand and receive from persons making searches and obtaining extracts from any of the public books and papers in the auditor's office, the same fees as by law he is entitled to receive for like services in the office of secretary of state.

Auditor's books to be kept in office of secretary of state.

8. *And be it enacted*, That the said auditor of accounts shall be entitled to receive for his services as such auditor, the sum of two hundred dollars, annually, to be paid by the treasurer, on the warrant of the governor or person administering the government.

Compensation.

9. *And be it enacted*, That nothing in this act contained shall be construed to authorize the treasurer to pay any account, if he shall believe the same to be contrary to law, although the account may be audited and endorsed by the auditor.

Proviso.

Approved, April 16, 1846.

AN ACT to prescribe and declare the mode of appointing certain officers.

Appointments in joint meeting. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That all officers which, before and at the time when the present constitution of the state went into effect, were directed to be appointed by the Council and General Assembly, in joint meeting, and whose appointment is not otherwise specifically provided for by the present constitution, may be appointed by the Senate and General Assembly, in joint meeting.

Masters in chancery. 2. *And be it enacted,* That the power of appointing masters in chancery shall continue in the chancellor, and be exercised by him as heretofore.

Directors of Delaware and Raritan Canal and Camden and Amboy Railroad Co's. 3. *And be it enacted,* That the directors on behalf of the state of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies shall be appointed annually, by the Senate and General Assembly, in joint meeting, and commissioned by the governor, or person administering the government; and the term of office of every such director shall commence on the first day of April next after his appointment.

By whom vacancies to be filled. 4. *And be it enacted,* That if a vacancy, from any cause, should occur when the legislature is not in session, in the office of director so appointed, it shall be the duty of the governor, or person administering the government, to appoint a person to fill such vacancy until the next joint meeting of the legislature.

Approved, April 16, 1846.

AN ACT respecting the office of treasurer.

Treasurer to give bond. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the treasurer of this state shall, prior to entering upon the duties of his office, take and subscribe an oath of office, and give bond, with sufficient sureties, to be approved of by the legislature, in the sum of fifty thousand dollars, payable to the state of New Jersey, with condition for the faithful performance of the duties of his office, and

for the fidelity of the person or persons to be by him employed; which oath and bond shall be deposited in the office of the secretary of this state.

2. *And be it enacted*, That the said oath of office shall be in the following words, to wit:

I, ———, appointed treasurer of the state of New Jersey, do solemnly promise and swear, that I will, to the utmost of my knowledge and ability, well, honestly, and faithfully perform the duties of the office of treasurer of the said state; and that I will not, on any pretence or occasion, apply any money, securities, or stock, which shall come to my hands as belonging to the said state, to any private use or purpose. So help me God.

Oath of office.

Which oath the president of the Senate or any of the justices of the supreme court is hereby empowered and required to administer.

3. *And be it enacted*, That the condition of the afore mentioned bond shall be in the words, or to the effect following, that is to say:

Condition of bond.

The condition of this obligation is such, that if the above bounden ——— shall, from time to time and at all times, render a just and true account to the legislature of the state of New Jersey, when by them thereunto required, of all the moneys, securities, stock, and other property of the said state which shall come to his hands or be committed to his charge, and deliver the moneys, securities, stock, and other property of the said state in his hands, together with all documents, instruments of writing, papers, and books belonging to or for the use of the said state, to his successor in office, and shall well, honestly, and faithfully perform all the duties of the office of treasurer of the said state, and shall answer for all improper appropriations, waste, embezzlements, or destruction of the said moneys, securities, stock, property, documents, instruments of writing, papers, or books which shall be done or committed by any person or persons to be by him employed in the said office, then this obligation to be void, otherwise to be and remain in full force and virtue; which bond shall be executed before the president of the Senate or one of the justices of the supreme court of this state.

4. *And be it enacted*, That the legislature, or either branch thereof, may, when they suspect the obligors in the said bond to be insufficient, require the treasurer to give another bond, with sureties, to be approved of as aforesaid.

Legislature may require further bond.

5. *And be it enacted*, That if the said treasurer die, resign, be displaced, or cease to hold his office, then such treasurer, or, if he be dead, his heirs, executors, or administrators, shall

Proceedings in case of death, &c., of treasurer.

fairly and regularly state the account, and deliver the moneys, securities, stock, property, instruments of writing, and books of the state, in his or their possession, to the succeeding treasurer, who shall make report thereon to the legislature; and the said report, if confirmed by the legislature, shall be a discharge of the said bond, which in such case shall be delivered to the said treasurer, or his heirs, executors, or administrators.

Duties of treasurer.

6. *And be it enacted*, That it shall be the duty of the said treasurer to receive and keep the moneys of this state, to disburse the same agreeably to law, and to take receipts for all moneys which he shall pay; to keep accounts of the receipts and expenditures of the public money, and of all debts due to or from this state; to superintend the collection of the revenue; to direct prosecutions for delinquencies of officers of the revenue, and for debts that are or shall be due to this state; to make reports and give information to either branch of the legislature, in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Assembly, or which shall appertain to his office, and generally to perform all such services relative to the finances as he shall be directed to perform.

Report to be made to the legislature.

7. *And be it enacted*, That it shall be the duty of the treasurer to state in books the account of moneys which he shall receive for taxes, impositions, debts, fines, penalties, forfeited estates, or on any other account for or in behalf of this state, and which he shall pay in pursuance of acts and resolutions of the legislature, in such a manner as that the net produce of the whole revenue, as well as of every branch thereof, and the amount of disbursements in payment of the several demands may distinctly appear, and lay from time to time the same accounts, and all other his proceedings relative to his office, before the legislature.

Time for closing accounts.

8. *And be it enacted*, That it shall be the duty of the treasurer of the state for the time being, and he is hereby required to have his accounts ready for examination and settlement on the second Tuesday of January in every year, and that to this end he be, and is hereby authorized to close his accounts for the year on the first day of January in every year hereafter.

Vacancies, how supplied.

9. *And be it enacted*, That in case any treasurer of this state shall, during the recess of the legislature, die, resign, or remove out of the state, or become disqualified to execute the duties of his office, it shall be the duty of the governor, or person administering the government, to appoint some fit person to execute the duties of treasurer, who shall continue in office until the next joint meeting of the legislature after the

said appointment, and the person administering the government shall, by proclamation, give public notice of such appointment; and in such cases the treasurer so appointed shall, prior to entering upon the duties of his office, give bond, with sufficient sureties, to be approved of by the governor, or person administering the government and a privy council, in the sum of fifty thousand dollars, in the manner and as prescribed by this act, and shall also take the oath of office, as in this act prescribed.

10. *And be it enacted*, That the official bond of every person appointed to the office of treasurer of this state shall remain and continue in full force and effect against such treasurer and his sureties, until such person or his sureties shall procure and file in the office of the secretary of state a certificate, duly executed by the committee to be appointed to settle and audit the accounts of such person as treasurer, approved of by the legislature, expressing that the accounts of such person as treasurer, are regularly stated and balanced, and also that the balance of moneys, evidences of public stock, securities, and other effects, if any there be, are actually in the treasury or deposited in some bank as directed by law; which certificate, so procured and filed, shall be a discharge of the sureties in the said bond, but shall in no way affect or impair the legal liability of the treasurer.

Bond to be in force until certificate of committee is filed.

11. *And be it enacted*, That the treasurer is hereby directed and required to deposit all moneys which shall from time to time come into his hands as treasurer, in one or more of the chartered banks of this state, within three days after receiving the same, and the moneys so deposited shall be placed to his account as treasurer; and the treasurer shall always keep a bank book or books, in which shall only be entered his account of moneys deposited by him, or to his credit as treasurer, and moneys drawn from the banks in which he shall so make deposits, in which book or books shall be truly entered and stated every year, all his credits and debits up to the first day of the annual meeting of the legislature, and the balance struck and certified by the cashier of the bank; and shall exhibit such book or books, properly balanced and settled, on every settlement of his accounts, for examination and inspection; and that the treasurer shall not be authorized to draw any moneys so deposited by him, or to his credit, unless by check subscribed by him as treasurer, and countersigned by the secretary of state; and it shall be the duty of the secretary of state to keep an accurate account of all and every check or checks countersigned by him as secretary in a book for that purpose, and every year to lay the said book before such committee as shall be appointed to settle and audit the accounts of the treasurer.

Treasurer to deposit all moneys received in bank.

Checks to be countersigned by secretary of state.

Secretary of
state to notify
banks of elec-
tion of trea-
surer.

12. *And be it enacted*, That after striking the balance, and certifying the same as aforesaid, it shall not be lawful for any bank to pay any checks or drafts of the treasurer, until they shall have been duly notified by the secretary of state of the election of a treasurer for the ensuing year, and that he shall give bond according to law; which notice it is hereby made the duty of the said secretary to give to all the chartered banks within this state immediately after such election as aforesaid.

Moneys depo-
sited by trea-
surer, to be car-
ried to account
of his succes-
sor.

13. *And be it enacted*, That all moneys deposited as aforesaid by the treasurer, or to his credit, in any bank of this state and standing to his credit at the expiration of his office, shall be carried to the account of his successor in office; and the banks shall transfer such accounts accordingly, upon producing to them a certificate from the secretary of state of the appointment of such successor in office.

Treasurer au-
thorized to
make loans.

14. *And be it enacted*, That it shall and may be lawful for the treasurer of this state, and it is hereby made his duty, to loan at the best rate of interest he can procure, not exceeding lawful interest, on the pledge of United States' stock, at a rate not above its par value, as collateral security, any surplus money in the treasury of this state not otherwise appropriated, nor already authorized to be invested by the trustees of the school fund, as the same shall from time to time accrue; and it shall be the duty of the treasurer to loan the same on such terms of credit as will enable him to receive the said moneys again, so as to meet the demands on the treasury.

May change in-
vestments.

15. *And be it enacted*, That the treasurer of this state, under and by the direction of the trustees of the school fund, be and he is hereby authorized to change the investment of the school fund, or any part thereof, by selling any of the stocks, the interest whereof is applied to the said fund, and investing the same in any of the public stocks of the United States.

Annual state-
ment to be
made.

16. *And be it enacted*, That, in addition to the duties already prescribed by law, it shall be the duty of the treasurer of this state, as soon as his accounts shall be audited by the committee appointed for that purpose, to submit annually to the legislature a balance sheet, exhibiting the general items of expenditure; the amount of receipts, and the sources whence they have been received; the indebtedness of the state, if any, and how and where, and the interest paid for moneys borrowed; the amount of school fund, how invested, what part is available, and what unavailable, the interest receivable on the same; the amount of bank tax, and the sum applicable to common schools, and how disposed of, so as to give a correct and connected statement of the condition of the finances of the state; which statement shall be countersigned by the auditing committee.

Approved, April 17, 1846.

AN ACT to regulate elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the Tuesday next after the first Monday in November, in each year hereafter, an election shall be held in each county, to elect for such county such a number of persons to be members of the General Assembly as such county shall be entitled to elect, and also one person to be sheriff, and three persons to be coroners for such county, each of whom shall have the qualifications prescribed by law.

Time of annual election for Assembly, &c.

2. *And be it enacted*, That at every annual meeting in each township, the persons who shall be qualified to vote therein, shall appoint the place within such township at which all such elections shall be held during the year next following such annual meeting; and if they shall omit to appoint a place, then such elections shall be held at the place at which such annual meeting was last held.

Town meeting to fix place for holding elections.

3. *And be it enacted*, That all such elections shall be opened at the hour of eight o'clock in the morning, and close at the hour of seven o'clock in the evening, and shall continue one day only.

Time of opening and closing polls.

4. *And be it enacted*, That the secretary of state shall, between the first day of August and the first day of September, immediately preceding the expiration of the term of service of any member or members of the Senate of this state, direct and cause to be delivered to the clerk of every county, whose senator's term of service will expire with the current legislative year, a notice stating such fact, and that a senator for said county is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of the said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; and the clerk of each township shall, in every year in which the term of service of the senator for said county will expire as aforesaid, include in the advertisement, required to be given by the twenty-fourth section of this act, a notice that a senator for said county is to be chosen at the ensuing election.

Secretary of state to give notice of expiration of term of service of senators.

5. *And be it enacted*, That the clerks and surrogates of counties shall be elected by the qualified voters of each county, at the time of electing members of the General Assembly; they shall be elected once in every five years and as often as vacancies occur; and every such vacancy shall be supplied at the general election next succeeding the happening thereof; it shall be the duty of the clerk of every county, between the

Time and mode of election of clerks and surrogates.

first day of August and the first day of September, immediately preceding the expiration of the term of office of the clerk or surrogate of such county, to direct and cause to be delivered to the clerk of each township in said county, a notice that a clerk or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing annual election; in every such year in which an election for clerk or surrogate of a county is required to be made, the clerk of each township in said county shall include in the advertisement, required to be given by the twenty-fourth section of this act, a notice that a clerk or surrogate of said county, or both, as the case may be, is to be chosen at the ensuing election.

Time and mode
of election of
governor.

6. *And be it enacted*, That when a governor is to be elected by the people, such election shall be held at the time when and the places where the people shall respectively vote for members of the General Assembly; and each voter shall put the name of the person voted for as governor, designating him as such, on the same ticket with the names of the persons voted for as members of the legislature and county officers.

Secretary of
state to give no-
tice of election
of governor.

7. *And be it enacted*, That the secretary of state shall between the first day of August and the first day of September, immediately preceding the expiration of the term of office of the governor, direct and cause to be delivered to the clerk of every county a notice stating such fact, and that a governor is to be elected at the ensuing annual election; and the clerk of such county shall, within fifteen days after the receipt of said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township in said county; in every year in which an election for governor is required to be made, the clerk of each township shall include in the advertisement, required to be made by the twenty-fourth section of this act, a notice that a governor is to be chosen at the ensuing election.

Time of election
of representa-
tives in Con-
gress.

8. *And be it enacted*, That, on the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand eight hundred and forty-six, and in each second year thereafter, an election shall be held to elect, for this state, five persons to be members of the House of Representatives of the United States, and this state shall for that purpose be divided into five districts: the counties of Cape May, Cumberland, Salem, Gloucester, Atlantic, and Camden shall compose one district, to be called "the first district;" the counties of Burlington, Monmouth, and Mercer shall compose one district, to be called "the second district;" the counties of Hunterdon, Warren, and Sussex shall compose one district, to be called "the third district;" the counties of Middle-

Districts.

sex, Somerset, and Morris shall compose one district, to be called "the fourth district;" and the counties of Essex, Hudson, Bergen, and Passaic shall compose one district, to be called "the fifth district," each of which districts shall elect one person to represent this state in the House of Representatives of the United States.

9. *And be it enacted*, That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and forty-eight, and in each fourth year thereafter, an election shall be held in this state, to elect, for this state, such a number of persons to be electors of president and vice president of the United States as this state shall be entitled to elect or appoint, each of whom shall be a free white male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States seven years next preceding such election.

Time of election of president and vice president.

10. *And be it enacted*, That the stated election of members of the House of Representatives, and also the election of electors of president and vice president of the United States, in every year in which the same are respectively required to be made, shall be held at the same time with the election of members of the General Assembly; and the voters shall put the name of the person voted for as a member of the House of Representatives, designating him as such, and also the names of the persons voted for as electors of president and vice president, designating them as such, on the same ticket with the names of the persons voted for as members of the state legislature and county officers.

Election for representatives and electors to be held at same time with election for members of Assembly, in certain cases.

11. *And be it enacted*, That whenever any vacancy shall happen in the representation of any county in the Senate or General Assembly, the house in which such vacancy happens shall direct a writ of election for supplying the same, unless such house shall be of opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days before the commencement of the legislative year, (or a shorter time before such commencement, if the board of chosen freeholders make the requirement herein after mentioned,) it shall be the duty of the governor forthwith to issue a writ of election to fill the said vacancy, unless he shall be of opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the neglect of the governor to issue a writ for filling such vacancy shall not

Vacancies in legislature, how supplied.

preclude the house in which such vacancy may have happened from causing the same to be filled, if they judge it advisable; *provided also*, that if the board of chosen freeholders of such county shall signify in writing to the governor, in case such vacancy occurs during the recess of the legislature, or after the annual election, and before the commencement of the legislative year, or to such house, when in session, the desire of such board that the vacancy shall be filled, then such house, or the governor, as the case may be, shall forthwith after such signification, issue such writ.

Special elections.

12. *And be it enacted*, That every special election shall be held on one day only, which shall be Tuesday.

Seat declared to be vacated in certain cases.

13. *And be it enacted*, That if any person who shall be elected a member of the Senate or General Assembly of this state shall neglect or refuse, for ten days next after the commencement of the session of such house, to take his seat therein, or to send to such house a satisfactory excuse, or shall, during any session of such house, be absent unremittingly for ten days (unless expressly excused by such house from attendance thereon), or shall remove from and cease to be a resident of this state, his office shall be deemed vacant.

Vacancies in college of electors, how supplied.

14. *And be it enacted*, That when any vacancy shall happen in the college of electors of this state, or when any elector shall fail to attend, by the hour of three o'clock in the afternoon of the day fixed by the Congress of the United States for the meeting of the college of electors, at the place of holding such meeting, those of the said electors who shall be assembled at the said hour and place, shall immediately after that hour proceed to fill, by ballot and by a majority of votes, all such vacancies in the electoral college.

Vacancies in representation in Congress, how supplied.

15. *And be it enacted*, That whenever any vacancy or vacancies shall happen in the representation of this state in the House of Representatives, it shall be the duty of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall have become vacant will expire within two months next after the happening of such vacancy or vacancies.

Vacancies in office of sheriff, how supplied.

16. *And be it enacted*, That if any person who shall at any such election have been elected to the office of sheriff, shall neglect, refuse, or be unable to give bond with sufficient sureties, or shall neglect or refuse to take the oath or affirmation of office, as is required by law, at the time appointed for giving such bond and taking such oath or affirmation, then such office shall be deemed and taken to be vacant; and it shall be the duty of the judges of the court of common pleas

in the county, or any three of them, in which such vacancy shall have happened, forthwith after such vacancy, to direct the clerk of such court to certify the fact of such vacancy to the governor; and the clerk of such court shall forthwith certify the same, under his hand and the seal of such county, to the governor, who shall forthwith, on the receipt of such certificate, issue a writ of election to fill such vacancy.

17. *And be it enacted*, That every writ of election which shall be issued under the provisions of this act shall be of the nature of a proclamation, and be signed by the governor or by the president of the Senate or the speaker of the House of Assembly, as the case may be, and shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred, and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days, from the date of such writ. Writs of election.

18. *And be it enacted*, That every such writ shall, by the officer issuing the same, be delivered forthwith after the date thereof to the secretary of state, who shall forthwith, after receiving the same, affix thereto the seal of this state, and file the same in his office, as an official paper; and in case such vacancy or vacancies shall have happened in the representation of any county in the Senate or Assembly, he shall make, or cause to be made, a copy of such writ, certify the same to be true and correct under his hand, and cause such copy thus certified to be delivered to the clerk of such county; and in case such vacancy or vacancies shall have happened in the representation of this state in the House of Representatives, he shall cause as many copies of such writ to be made as there shall be counties, certify each of the same to be true and correct under his hand, and cause one of such copies to be delivered to the clerk of each county. Secretary of state to make and deliver copies of writ to clerks of counties.

19. *And be it enacted*, That the clerk of each county shall, forthwith after the receipt of any such copy, cause the same to be published, at least once a week, until the time of such election, in each of the newspapers which shall be printed or published in such county, or if no newspaper shall be printed or published in such county, then in at least two newspapers circulating most generally therein; and if such election shall be held to fill a vacancy or vacancies in the representation of such county in the Senate or Assembly, such publication shall be made at the expense of such county; and if such election shall be held to fill a vacancy or vacancies in the House of Representatives, such publication shall be made at the expense of this state. Clerks to give notice of election to fill vacancy.

20. *And be it enacted*, That no person shall be elected a member of the House of Representatives, or an elector of Persons ineligible to office of electors.

president and vice president, who shall hold any office of trust or profit under the United States; and no person shall be elected to the office of such elector who shall hold the office of senator or member of the House of Representatives of the United States.

Persons incapable of holding more than one of certain offices

21. *And be it enacted*, That no person shall hold at the same time more than one of the following offices: elector of president and vice president of the United States, member of the House of Representatives of the United States, members of the Senate or of the General Assembly of this state, clerk or surrogate of a county, sheriff, or coroner; and if any person who shall have been elected or appointed to any such office shall during the term for which he shall have been elected or appointed, be elected or appointed to another of such offices and shall accept the same, such acceptance shall be deemed to make vacant the office to which he shall have been previously elected or appointed; and if any person shall, at any election, be elected to two or more of such offices, he shall accept but one of the same, and the other or others shall be deemed vacant.

Judges of election.

22. *And be it enacted*, That at the next and every subsequent annual meeting in each township, the persons who shall be qualified to vote therein shall choose one of their number who shall be a respectable freeholder, to be a judge of election; and the person so chosen shall be the chairman of the board of election in such township, and shall, together with the persons who shall be chosen assessor and collector, constitute such board; and such board shall preside at and conduct all such elections to be held during the year next following such annual meeting in such township; and the persons who shall be chosen as such assessor and collector shall, for the purposes of this act, be styled judges of election, and have equal powers in presiding at and conducting such elections with the person chosen as such judge; and the decision of a majority of such board, on any question, shall be deemed and taken to be the decision of such board, and final.

Clerk to provide ballot-box.

23. *And be it enacted*, That the clerk of each township shall from time to time, as occasion shall require, provide and keep in good repair, at the expense of the county in which such township shall be situated, a ballot-box for the use of such township, which box shall be made one foot in depth, width, and length, as near as may be, measuring the same on the exterior thereof, and strapped and secured on each corner thereof with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with the key belonging to another of them; and there shall be

in the lid thereof an aperture, not larger than shall be sufficient to admit a single closed ballot therein at one time; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that when the ballot-box shall be locked no ballot or other thing can be inserted in the same.

24. *And be it enacted*, That the clerk of each township shall, at least eight days prior to, and within thirty days next preceding the day of election, put up, or cause to be put up, an advertisement in at least five of the most public places within such township, which advertisement shall make known the time, place, and purpose of holding such election, and be signed by such clerk.

To give notice of election.

25. *And be it enacted*, That the judges of election of each township shall meet at the time and place when and where any such election shall be appointed to be held therein, and shall, at the hour of eight o'clock in the morning of the day thereof, organize themselves as a board of election, for the purpose of presiding at and conducting such election; and the clerk of such township shall meet with such board, and be the clerk thereof.

Organization of board of election.

26. *And be it enacted*, That no such judge or clerk shall be elected to any office to be filled at the election in which he shall serve; and if any such judge or clerk shall be voted for in any such election, the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, for whom the greatest number of votes shall have been given therein, other than such judge or clerk, shall be deemed and taken to be elected, and the votes which shall be given to such judge or clerk shall be deemed and taken to be null and void.

Judges and clerk of election not to be chosen to office.

27. *And be it enacted*, That if, at the hour of eight o'clock on the morning of the day of any such election, any one or more of the judges of election of any township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as one of the board of election, it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, by a majority of voices, or, on a division, by a majority of polls, forthwith to choose one more of the persons then and there present, who shall be entitled to vote in such election in such township, and shall be a respectable freholder, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting, or refusing; and, for the purpose of making such choice, it shall be the duty of the person who shall have been elected as judge of election at the annual meeting in such township next preceding such election, or in case of his absence or dis-

Time and mode of supplying vacancies in cases of disqualification of judges.

qualification, neglect or refusal to serve in such board, then of the person who shall at such annual meeting have been chosen as assessor, or in case of the absence or disqualification, neglect or refusal, of such judge and assessor to serve in such board, then of the person who shall at such annual meeting have been chosen as collector; or in case of the absence or disqualification, neglect or refusal, of such judge, assessor, and collector to serve in such board, then of the person who shall at such annual meeting have been chosen as clerk, forthwith to organize a meeting of the persons then and there present, who shall be entitled to vote in such election in such township, for the purpose of choosing one or more of such persons, who shall be qualified as above mentioned, to fill the place or places of the person or persons so absent, disqualified, neglecting, or refusing; and the person who shall organize such meeting, shall preside thereat, and announce the choice which shall be made as aforesaid; and if all the persons who shall have been chosen at such annual meeting, as such judge, assessor, collector, and clerk, shall be absent or disqualified, or shall neglect or refuse as aforesaid, then it shall be lawful for the persons then and there present, who shall be entitled to vote in such election in such township, to organize themselves into such meeting, by the appointment of one of their number to preside therein, who shall preside therein, and announce the choice which shall be made as aforesaid; and every person so chosen shall be deemed and taken to be, in all respects, a judge of election; and a certificate of such choice shall be made in writing, and signed by the person who shall preside at such choice, and two other respectable freeholders present thereat, and transmitted to the clerk of the court of common pleas of the county, within four days thereafter, and be by him filed in his office as a public record.

Time and mode
of supplying
vacancies on
disqualification
of clerk.

28. *And be it enacted*, That if, at the hour of eight o'clock on the morning of the day of such election, or at any other time during such election, the clerk of such township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person, qualified to vote in such election in such township, who shall be then and there present, to be such clerk; and the person so appointed shall be deemed and taken to be, in all respects, the clerk of such board.

Persons ap-
pointed to fill
vacancy, to be
members of
board.

29. *And be it enacted*, That any person who may be appointed to fill the place of any one of the judges of election, in consequence of the absence, disqualification, neglect, or refusal to serve of such judge, and any person who may, in like manner, be appointed clerk of the board, in place of the clerk of the township, under the twenty-seventh or twenty-

eighth sections of this act, shall be deemed to be, in all respects, a member or clerk of such board, with respect to all matters appertaining to that election; but his powers under such appointment shall not extend to any subsequent election.

30. *And be it enacted,* That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of each of the judges of election to take an oath or affirmation, to be administered by the clerk of the board, in the following form :

Oath of judges
of election.

"You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not in all respects qualified and entitled to vote according to law; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge his vote, and will refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein."

31. *And be it enacted,* That when the judges of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the chairman of the board of election, in an open and public manner, to administer to the clerk of such board, and of such clerk to take, an oath or affirmation in the following form :

Oath of clerk.

"You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties required of you by law, as clerk of this board;" and the like oath or affirmation shall be administered to, and taken by any person who may be appointed clerk of such board at any time during such election.

32. *And be it enacted,* That no person who shall have a right to vote at any such election, shall be arrested by virtue of any civil process on the day on which such election shall be held.

Voters privileged from arrest.

33. *And be it enacted,* That no such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which any such election shall be appointed to be held.

Military duty not to be performed on day of election.

34. *And be it enacted,* That in all such elections, the persons entitled to vote therein shall vote by ballot; and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons

Voting to be by ballot.

for whom the person voting intends to vote, and shall designate the office to which each person so named is intended by him to be elected; and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office.

Proclamation to
be made of open-
ing election.

35. *And be it enacted,* That such board shall, on each day of election, as soon as they have opened the same, and before they shall proceed to receive any vote, make public proclamation of the opening of the election, and of their readiness to receive the votes of voters.

Ballot-box to
be exhibited.

36. *And be it enacted,* That on the day of such election, after proclamation shall have been made of the opening thereof, and immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot-box, so that the bystanders may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof.

Time of open-
ing and closing
polls.

37. *And be it enacted,* That when such board shall have become organized, and the members and clerks thereof sworn or affirmed, the election shall be opened, and the same shall be kept open during the whole of the day of election, between the hours of eight o'clock in the morning and seven o'clock in the evening; but said board may adjourn the proceeding in such election from one o'clock, until two o'clock in the afternoon, or for any shorter time between those hours, as they shall see fit.

Proceedings on
adjournment of
board during
election.

38. *And be it enacted,* That whenever, before the close of the election on such day, an adjournment shall be ordered by the board of election, they shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, to which the judges and clerk shall sign their names, and shall unlock and open the ballot-box, place and secure the bar or bolt in the lid thereof, in such a manner as to prevent the insertion in the ballot-box of any ballot or other thing, place therein the poll-book, and shut and lock the same; and when the period of adjournment shall have expired, such board shall unlock and open the ballot-box, take therefrom the poll-book, remove such bar or bolt, so as to leave open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the possession and under the care of one or more of the judges of election, or the clerk of such board, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view.

39. And be it enacted, That each of the judges of election hall, at the opening thereof, take one of the keys of the locks of the ballot-box, and shall keep the same until a statement of the result thereof shall be made and certified, as directed by his act, and shall not during that time suffer either of the other judges or any other person, on any pretence, to take or have the same; and in all cases in which such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the judge who shall have the key belonging thereto, as directed by this act.

Judges to keep
keys of ballot-
box.

40. And be it enacted, That the clerk of such board shall provide and have at such election a book, to be denominated the poll-book, in which he shall record the names of the persons whose votes shall be received therein, in the order in which they shall be received, and shall, as he records such names, number the same from one onward, until the election shall be finally closed; and such clerk shall write a heading to the list of names so recorded, in the following, or like form:

Clerk to keep
poll-book.

“Names of voters at an election held in the township of —, in the county of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, for members of —,” filling up the blanks in the form above given to conform to the facts of the case.

41. And be it enacted, That every person possessing the qualifications required by the constitution, shall be entitled to vote in the township in which he actually resides, and not elsewhere; and every person who shall be so qualified to vote in such election in such township, shall at any time during the same, after proclamation shall have been made of the opening of the same, except during any period for which the board of election shall have adjourned, be at liberty to claim his right to vote therein in such township, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant; and the ballot of such claimant shall remain in his own hand, until such board shall have decided to receive the same.

Right of voting
to be claimed in
person.

42. And be it enacted, That each ballot shall, in an open and public manner on the day of election, between the hours mentioned in the third section of this act, be delivered in person by the voter to one of the judges of election, and be by such judge deposited in the ballot-box; and in no case shall the ballot be taken by any such judge until the board of election shall have decided to receive the same; nor shall the ballot, in any case, be by any such judge opened, marked, or examined, or permitted to be opened, marked, or examined, before the

Ballots to be de-
livered to judge
of election.

same shall be deposited in the ballot-box; and each ballot received shall be separately deposited in the ballot-box.

Member of
board may en-
ter dissent in
poll-book.

43. *And be it enacted*, That if any member of such board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent in the poll-book of such election, signing his name to such record with his own hand, and unless he shall so do, he shall be deemed and taken to have assented to the decision so made.

Votes may be
challenged.

44. *And be it enacted*, That any person who shall be qualified to vote in such election, shall be at liberty to challenge the right to vote therein of any person claiming such right.

Judges of elec-
tion to challenge
in certain cases.

45. *And be it enacted*, That the judges of election, respectively, shall, at such election, challenge every person who shall claim to have a right to vote therein, whom they shall know, suspect, or believe not to be qualified or entitled to vote therein.

Oath of persons
challenged as
aliens.

46. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, and the person challenging him shall specify a ground for such challenge to be that the person so challenged is an alien, the chairman of such board may forthwith tender to him an oath or affirmation in the following form:

"You do swear, (or affirm, as the case may be,) that, to the best of your knowledge, information, and belief, you was born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state, or sovereignty;" and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce, at the time of claiming his vote, to such board a lawful certificate, issued out and under the seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States; or in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen; and in the former case, the chairman of such board shall tender to the person so challenged an oath or affirmation in the following form:

"You do swear, (or affirm, as the case may be,) that you are the person named in the certificate of naturalization which you have produced to this board;" and in the latter case, an oath or affirmation in the following form:

"You do swear, (or affirm, as the case may be,) to the best of your knowledge, information, and belief, that the person named in the certificate of naturalization which you have produced to this board was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident in the United States;" and if the person so challenged shall, in either case, refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien.

47. *And be it enacted*, That the judges of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and, for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation touching such right, except as herein before restricted; and if either of such judges shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath or affirmation herein before prescribed, and such person shall not be qualified and entitled to vote, such judge so receiving, or assenting to receive such vote, shall be deemed and taken to have received the same, knowing it to be illegal.

Judges may examine on oath, to satisfy themselves of right of claimant to vote.

48. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, the chairman of such board may forthwith tender to the person so challenged an oath or affirmation in the following form :

Form of oath.

"You do swear, (or affirm, as the case may be,) that you are a citizen of the United States; that you have resided in this state one year, and in this county five months, next before this election, and not elsewhere; that you are now a resident in this township (or ward, as the case may be,); that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election in this township (or ward, as the case may be,), and that you have not voted elsewhere in this election;" and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

49. *And be it enacted*, That if a person be challenged, as convicted of any crime which excludes him from the right of suffrage under the provisions of the constitution of this state, he shall not be required to answer any questions in relation to such alleged conviction, nor shall any proof of such conviction be received, other than a duly authenticated record thereof, except such proof as may be necessary to establish his identity with the person named in such record, or may be adduced by him to rebut the evidence of identity produced on

Proceedings in case of challenge for conviction of crime, &c.

behalf of the challenge; but if any person so convicted shall vote at any such election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labour not exceeding two years, or both.

Penalty for fraudulent voting.

50. *And be it enacted*, That any person who shall vote, or shall fraudulently offer to vote, at any election held under this act, or at any township or ward election, who shall not have been a resident of this state for one year, and of the county in which he votes five months, next before the election, or who at the time of the election is not twenty-one years of age, knowing that he is not twenty-one years of age, or who is not a citizen of the United States, knowing that he is not such citizen, or who, by reason of any disability, is not duly qualified to vote at the place where and time when his vote is given or offered, knowing that he is not duly qualified, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court before which such conviction is had.

Penalty for advising to vote illegally.

51. *And be it enacted*, That any person who shall procure, aid, assist, counsel, or advise another to give his vote, knowing that such other person, from any disability, is not duly qualified to vote at the place where and time when the vote is to be given, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court before which such conviction shall be had.

Form of the names of voters.

52. *And be it enacted*, That before proceeding to the estimate and canvass of the votes which shall have been received, the clerk of such board shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, in the following or like form:

"The whole number of the names of the persons whose votes have been received during this election is ———;" filling up the blank, in the form above given, to conform to the fact; and the judges of election, together with such clerk, shall sign their names thereto with their own hands.

What candidates are elected.

53. *And be it enacted*, That at every such election the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices: and when

over in any such election an equal number of votes shall have been given to two or more persons to fill any office for which they shall by law be qualified, by reason whereof it shall happen that such office shall not be filled, then the same shall be deemed and taken to be vacant.

54. And be it enacted, That as soon as the hour of seven o'clock in the evening of the day of election shall arrive, the board shall proceed, in an open and public manner, to estimate and canvass the votes received, and shall complete the same without any unnecessary delay; and, on completing the same, shall audibly and publicly announce the result thereof, particularly specifying the whole number of the names of the voters in the poll-book, the name of each person for whom any vote shall have been given for any office to be filled at such election, and the number of votes given for each person for the office designated for him by such votes.

Votes to be canvassed.

55. And be it enacted, That such board shall proceed in canvassing and estimating the votes which shall have been received, in the following manner: they shall first ascertain the number of the names of the voters in the poll-book, and state the same in writing, for the purpose of a memorandum for their own use, and thereupon unlock and open the ballot-box; the ballots contained therein shall then be taken singly and separately therefrom by one of the judges of election, to be appointed by the board for that purpose; and such judge shall, while each ballot shall remain in his hands, audibly and publicly read the same; and then, before taking another ballot from the box, shall deliver the same to another of such judges, to be appointed by such board for the purpose, to be examined and numbered; and such judge shall take and examine the same, and thereupon, if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot, in the order in which the same shall have been taken from the box, and then deliver the same to the other and remaining one of such judges, to be examined and strung; and such judge shall take and examine the same, and if he shall be satisfied that the same has been correctly read, shall string the same in the order in which the same shall be taken from the box and numbered, by means of a needle and twine, to be provided for that purpose; and the ballots shall be numbered from one onward; the clerk of such board, under the inspection and direction of such board, shall make a list of the names of all persons for whom one or more votes shall have been given, designating the office or offices for which such person shall be voted for, and as each ballot shall be read he shall write the figure 1 opposite the name of each person whose name shall be contained therein, as designated for any

Mode of canvassing and estimating the votes received.

office; when all the votes which shall have been received shall have been read, examined, numbered, and strung, as above directed, such board shall carefully and truly cast up the votes given for each person for any office to be filled at such election.

In what cases
ballots not
counted.

56. *And be it enacted*, That if in canvassing and estimating the votes, the number of ballots shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are of such names, shall be deemed and taken to be null and of no effect; if two or more ballots shall be found rolled or folded together, or any ballot shall be wholly blank, or contain more names for any office than there are persons to be elected to fill such office, or have the name of any person thereon for whom no office is designated, or shall appear to the board to be fraudulent, then and in every such case the ballot shall be deemed and taken to be null and of no effect; and in every case in which a ballot shall be declared null and of no effect, the same shall not, in any respect, be canvassed, estimated, or numbered, but one of the judges shall write thereon the word "rejected," and the same shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine.

Statement of re-
sult to be made.

57. *And be it enacted*, That in all elections which shall be held under this act for the choice of a governor, a member of the state Senate, members of the General Assembly, clerk of the county, surrogate, sheriff, and coroners, or any of them, the board of election shall make a statement of the result thereof, and a certificate, in like form with that prescribed in the sixty-second section of this act, and agreeably to the directions therein contained; and whenever an election is held for the choice of a governor, the township board of election shall cause to be made an additional copy of the statement of the result of the election, and of the certificate thereto, which copy they shall certify and subscribe, enclose, seal up, and transmit to the secretary of state, in the time and manner prescribed by the sixty-first section of this act; and the secretary of state, on receiving the same, shall forthwith file it in his office as an official paper.

Statement of
result for gov-
ernor, &c.

58. *And be it enacted*, That when a governor, a clerk of a county, or a surrogate, shall be voted for at any election, the provisions of this act relative to the statement of the result by the board of county canvassers shall apply and be extended to the votes for such offices respectively; and the several provisions relative to the statement of the determination by said board shall apply to said votes for clerk and surrogate.

59. And be it enacted, That the board of election shall make, or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the fifty-seventh section of this act, and each of the judges shall sign his name thereto with his own hand; and the clerk of such board shall attest the signing of the same by such judges, by signing his own name thereto with his own hand.

Copy of statement to be made

60. And be it enacted, That as soon as the said statement, and the copy thereof, shall be made, certified, and subscribed, as is herein before directed, such board shall deliver to the clerk thereof, such copy, the poll-book of the election and the ballots which shall have been received therein, as well those which shall have been deemed and taken to be null and of no effect as those which shall have been estimated and canvassed; and if such clerk shall be the clerk of the township in which the election shall have been held, he shall, as the clerk of such township, preserve such copy, the poll-book, and the ballots, so delivered to him, among the papers of such township in his possession, and deliver over the same to his successor, to be by him preserved in the same manner; and if the clerk of such board shall not be the clerk of such township, he shall, within two days next after the day of such election, deliver the same to the clerk of such township, to be by him preserved and delivered over to his successor, as above directed; and every such copy and poll-book in the possession of the clerk of any township, shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose.

Poll-books, &c. to be delivered to clerk.

61. And be it enacted, That whenever an election shall be held for the choice of a member or members of the House of Representatives, or electors of president and vice president, such board shall make, or cause to be made, an additional copy of the statement of the result of such election, and of the certificate thereto, which copy they shall certify and subscribe as is herein before directed, and shall enclose, seal up, and transmit the same by mail to the secretary of state, within five days next after such election, directing the same in the following manner:

Additional copy of statement to be made in congressional and electoral elections.

“To the Secretary of State of New Jersey,
Trenton, New Jersey.”

And the secretary of state, on receiving such copy, shall forthwith file the same in his office as an official paper.

62. And be it enacted, That in all elections which shall be held under the first section of this act, the board of election shall make a statement of the result thereof, and a certificate to the same, in the following or like form:

Form of statement, &c.

"A statement of the result of an election held in the township of _____, in the county of _____, on the _____ day of November, in the year of our Lord one thousand eight hundred and _____, for a member of the Senate, members of the General Assembly, a sheriff, and three coroners for said county:

The whole number of the names on the poll list is _____;

The whole number of ballots rejected is _____;

For member of the Senate,

received votes;

received votes;

For members of the General Assembly,

received votes;

received votes;

For sheriff,

received votes;

received votes;

For coroners,

received votes;

received votes.

We do certify that the foregoing is a true, full, and correct statement of the result of the election above mentioned, and that the same exhibits the whole number of the names on the poll-book and of the ballots rejected, the name of each person for whom any vote or votes were given for any office designated for him in such vote or votes, and the number of votes given for each person for the office or offices so designated for him.

In witness whereof, we have hereunto set our hands, respectively, this _____ day of November, in the year of our Lord one thousand eight hundred and _____.

} Judges
of
Election.

ATTEST.

Clerk."

Making under each head a list of the names of all the persons for whom any vote or votes were given for the office or offices designated therein, and stating opposite to the same, in words written at full length, as before directed, the number of votes given for each person for such office or offices, and filling up all other blanks in the form above given to conform to the facts of the case; and in every other election which shall be held under this act, the board of election shall make a statement of the result thereof, and a certificate to the same, in a

form similar to that above given, as far as the nature of such election will admit.

63. *And be it enacted*, That the board of election in each township, in any such election, shall appoint one of the judges of election in such township to attend the meeting of the board of county canvassers for such election, in the county in which such township shall be situated, as a member thereof, and shall deliver to the judge, who shall have been so appointed, the original statement of the result of such election in such township, which shall have been made, certified, and subscribed, as herein before directed; and it shall be the duty of the judges of election, who shall have been so appointed, to attend the meeting of the board of county canvassers for such election, in the county in which they shall have been appointed, as members thereof.

Judge of election to attend meeting of county canvassers.

64. *And be it enacted*, That the judges of election, to whom the original statements of the result of such election in the townships to which they respectively belong shall have been delivered, as directed in the preceding section of this act, shall constitute the board of county canvassers for such election, in the county in which such township shall be situated; and the clerk of such county shall be the clerk of such board.

Board of county canvassers, how constituted.

65. *And be it enacted*, That the major part of the judges who shall have been appointed to attend the meeting of such board, as members thereof, shall be sufficient to constitute such board; and if the clerk of the county shall be absent from such meeting, at the time appointed therefor, such board shall appoint some other fit person to be the clerk of such board; and the person who shall be so appointed, shall be deemed and taken, in all respects, to be the clerk of such board.

Majority of judges to form board.

66. *And be it enacted*, That such board shall meet on the Friday next after such election, at twelve o'clock, noon, of that day, at the court-house of such county, and at that hour, without any delay, the members of such board who shall be then present shall proceed to choose one of their number, who shall be the chairman thereof; and as soon as such chairman shall be appointed, it shall be the duty of such chairman to administer to each of the other members, and of each of the other members to take an oath or affirmation in the following form:

Time and place of meeting of county canvassers.

"You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties of a member of this board of canvassers according to law;" and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to such chairman, and

Oath of county canvassers.

such chairman shall take an oath or affirmation in the same form as that taken by the other members of such board.

Oath of clerk.

87. *And be it enacted*, That if the clerk of such county shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and, before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation in the following form:

“You do swear, (or affirm, as the case may be,) that you will faithfully execute the duties of clerk of this board according to law.”

Proceedings
and duties of
board of county
canvassers.

68. *And be it enacted*, That as soon as the clerk of such board shall have been sworn or affirmed, as directed in the preceding section of this act, the judges of election who shall be present, and constitute such board, shall produce the original statements which shall have been delivered to them, respectively, as herein before directed, and lay the same before such board; and such board shall then forthwith proceed to make two statements of the result of such election in such county, each of which statements shall contain the whole number of the names of the voters in the poll-book of the townships, respectively, and of the ballots rejected, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled by such election, and the whole number of votes which shall have been given for each person for any such office or offices, mentioning the office or offices for which each person shall have been designated: and shall particularly contain the name of each township, the number of the names of the voters on the poll-books of the townships, respectively, and of the ballots rejected, the number of votes given in each township for each person for whom any vote or votes shall have been given for any such office, mentioning the office or offices for which each person shall have been designated; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes that shall have been given for each person, and the name of each township, shall be in words written at full length; and the number of the names on the poll-book of each township, the number of votes which shall have been given for each person in each township for each office, and the whole number of votes on the poll-books of the several townships, and of the ballots rejected, may be in figures: and each of such statements shall be certified to be true and correct, by a certificate which shall be appended to the same:

and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of such board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand.

69. *And be it enacted*, That such board shall deliver one of the statements which shall have been made, certified, and subscribed, as directed in the preceding section of this act, to the clerk of the county, who shall forthwith file the same in his office as an official paper; and the chairman of such board shall enclose and seal up the other thereof, and deliver or safely transmit the same, so enclosed and sealed up, to the secretary of this state, so that such secretary shall receive the same at Trenton within seven days next after the meeting of such board; and the secretary of state, on receiving such statement, shall forthwith file the same in his office as an official paper.

Copies of statement to be sent to secretary of state and county clerk.

70. *And be it enacted*, That if any one of the judges who shall have been appointed to attend the meeting of such board for any county, as a member thereof, shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of twelve o'clock, noon, of that day, deliver or safely transmit to the clerk of such county the original statement of the result of the election, which shall have been delivered to him as herein before directed.

Judge to send statement, if he cannot attend.

71. *And be it enacted*, That if, on the day appointed for the meeting of such board, a major part of such board shall not attend at the court-house of such county at the hour of twelve o'clock, noon, of that day, or if at that time the statements of the result of such election from every township in such county shall not be produced, the canvassers then present shall adjourn to some convenient hour on the next day; and at the hour to which such adjournment shall have been ordered, the canvassers then present, whether or not they shall be a major part of the whole, shall organize themselves as a board, and proceed as herein before directed.

Board may adjourn.

72. *And be it enacted*, That the clerk of such county shall produce and lay before such board all such statements as shall have been delivered to him at or before the hour of twelve o'clock, noon, of the Friday next after such election, as herein before directed; and if on that day such board shall not have been organized because the statements from every township have not been produced, then such clerk shall forthwith, by a special messenger or otherwise, at the expense of such county, obtain such statement or statements as shall be deficient, in time to be produced to such board at their next meeting, and for this purpose either the original statement, or the copy thereof, directed to be delivered to the clerk of the township in which such original statements shall have been made, shall be

County clerk to lay statements before board.

sufficient; and the clerk of such board shall produce and lay before such board, at their meeting on the next day, all such statements and certified copies as he shall have obtained as above directed.

Proceedings to be public.

73. *And be it enacted*, That all the proceedings of such board shall be open and public, and the decision of a major part of the members thereof, who shall be present at the meeting thereof, shall be deemed and taken to be the decision of such board; and if any member of such board shall dissent from a decision of the board, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the clerk of such county, who shall file the same in his office.

Statements to be filed by county clerk.

74. *And be it enacted*, That all the statements and copies of statements which shall be produced and laid before such board shall, by such board, be delivered to the clerk of such county, and shall be by him filed in his office as official papers.

Form of statement of result of election for senators, &c.

75. *And be it enacted*, That the statement and certificate which shall be made as is herein before directed, shall, in case of an election for a member of the Senate, members of the General Assembly, a sheriff and coroners, or any of them, be in the following or like form:

"A statement of the result of an election held in the county of — on the — day in November, in the year of our Lord one thousand eight hundred and —, to elect a member of the Senate, members of the General Assembly, a sheriff and coroners, of said county, made by the board of county canvassers for said county:

Names of persons voted for, and the offices designated for each.	Names of townships, and the number of votes given for each person in each township.					Whole number of votes in the county.	Whole number of votes received by each person.
For member of Senate,							
For members of Assembly,							
For sheriff,							
For coroners,							
Number of names on the poll-book of each township,							
Number of ballots rejected,							

I do hereby certify, that the foregoing is a true, full, and correct statement of the result of the election above mentioned, the same is exhibited by the statements produced and laid before the board of county canvassers according to law, and at the same exhibits the number of the names of the voters the poll-books of the townships, respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several townships, the name of each person for whom any vote or votes were given, the number of votes given for each person in each township, and the whole number of votes given for each person for each office designated for him, as they appear by the statements so produced and laid before the said board.

In witness whereof, I have hereunto set my hand, this — day of —, in the year of our Lord one thousand eight hundred and —.

Chairman of the Board of Canvassers.

ATTEST.

Clerk."

And the blanks in the form above given shall be filled up to conform to the facts of the case; and the statement and certificate which shall be made in the case of an election of member or members of the House of Representatives of the United States, or of electors of president and vice president of the United States, shall be in a form similar to that above given, as far as the nature of the election will admit.

76. *And be it enacted*, That the board of county canvassers, in case the election shall have been held for a member of the Senate and members of the General Assembly, a sheriff and coroners, or for any such officer, shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, as is herein before directed; and thereupon such board shall make a statement of their determination, which shall be certified to be true and correct, by a certificate which shall be appended to the same, and signed by the chairman of such board, with his own hand, in the presence of the clerk of such board; and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement of such determination, and the certificate thereto, so made and subscribed, shall be annexed to the statement which shall have been made, certified, and subscribed, as herein before directed, and shall be delivered therewith to the clerk of the county, and shall by him be filed in his office as an official paper.

Form of statement of determination.

77. *And be it enacted*, That the statement of the determi-

nation of such board, in case of a stated election for a member of the Senate, members of the General Assembly, a sheriff and coroners, shall be in the following or like form:

"A statement of the determination of the board of county canvassers relative to an election held in the county of _____ on the _____ day of November, in the year of our Lord one thousand eight hundred and _____, for the election of a member of the Senate, members of the General Assembly of this state, and a sheriff and coroners for said county, for the ensuing year:

The said board do determine that, at the said election, _____ was duly elected a member of the Senate of this state; _____ were duly elected members of the General Assembly; _____ was duly elected sheriff, and _____ were duly elected coroners for said county.

I do certify that the foregoing is a true, full, and correct statement of the determination of the board of canvassers therein mentioned.

In witness whereof, I have hereunto set my hand this _____ day of November, in the year of our Lord one thousand eight hundred and _____.

Chairman of the Board of Canvassers.

ATTEST.

Clerk."

And in case of a special election to fill a vacancy or vacancies in the Senate or General Assembly, or in the office of sheriff, the statement of the determination of such board, and the certificate thereof, shall be in a form similar to that above given, as far as the nature of the case will admit.

78. *And be it enacted*, That the board of county canvassers, in the case of an election for a member of the Senate, members of the General Assembly, a sheriff and coroners, or any of them, for any county, shall make the statement of the result thereof, and their determination as to the person or persons who shall be elected therein; and in all other cases shall make the statement of the result of the election in such county upon, and only upon, the statements which shall be produced and laid before the board, as directed in this act, by the members thereof, respectively, to whom such statements shall have been delivered, and the statements and copies of statements which shall be produced and laid before them by the clerk of such county, as is herein before directed.

79. *And be it enacted*, That the clerk of such county shall make as many copies of the statement of the determination of such board, and the certificate appended thereto, in the case of an election for a member of the Senate, members of the General

Grounds on which statements are to be founded.

Certified copies to be delivered to persons elected.

ral Assembly, a sheriff and coroners, or any of them, as there shall be persons declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the county, and shall without delay deliver one of the same to each person who shall be so elected.

80. And be it enacted, That the clerk of such county shall make out a copy of such statement of the determination of such board, and the certificate appended thereto, and certify the same in the manner directed in the preceding section of this act, enclose and seal up the same, and transmit the same, so enclosed and sealed up, to the secretary of this state, at Trenton, within five days next after the meeting of such board, and the said secretary shall file the same in his office as an official paper.

Copies to be sent to secretary of state.

81. And be it enacted, That when any person, who shall at any such election have been elected to the office of sheriff or coroner, shall produce before the governor such a certified copy as is above mentioned, to which there shall be added the certificate of six freeholders of the county in which such election shall have been held, certifying that such person has been so elected, the governor shall forthwith commission such person as such sheriff or coroner; and the certificate of such freeholders shall be in the following, or like form:

Certificate of election of sheriff, &c.

"We, ———, six freeholders of the county of ———, do hereby certify, that ——— is duly elected ——— of the said county for the ensuing year.

In witness whereof, we have hereunto set our hands, respectively, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———;" *provided always*, that nothing in this section contained shall be construed to render unnecessary the certificate of the judges of the court of common pleas required by "An act concerning sheriffs."

82. And be it enacted, That in case of any election for one or more members of the House of Representatives, or for members of the House of Representatives and electors of president and vice president, or governor, if it shall so happen that the secretary of state shall not, on or before the seventh day after the time appointed for the meeting of the board of canvassers in the several counties, have received the statements of the result of such election in every county, which are herein before directed to be delivered or transmitted to him by the chairman of such board, such secretary shall forthwith, by a special messenger or otherwise, obtain such statement or statements as are deficient, and for this purpose the original statement

Provisions for certain contingencies.

directed to be filed by the clerk of the county in which such statement shall have been made, shall be sufficient; and whenever and so soon as such secretary shall receive or obtain any statement of the result of such election in any county, in the manner herein before provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every township of such county; and if it shall appear to him that the statement of the result of such election in any such township is not exhibited by or included in the statement of the result of such election in such county, he shall forthwith ascertain whether or not a copy of the statement of the result of such election in such township has been received in his office, as provided for by this act; and if it shall appear to him that such copy has not been so received, he shall forthwith, by a special messenger or otherwise, obtain such copy, and for this purpose the original statement directed to be filed by the clerk of such county, or the copy thereof, directed to be filed by the clerk of such township, shall be sufficient; and such secretary shall, on the twenty-first day next after the day of such election, produce and lay before the board of state canvassers all such statements and copies as shall relate to such election, which shall have been received or obtained by him as herein before provided for.

Time and place
of meeting.

83. *And be it enacted*, That it shall be the duty of the governor to attend at Trenton on the twenty-first day next after the day of such election, and to summon to attend him, on that day, four or more of the members of the Senate, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for any office or offices to be filled at such election, and of determining and declaring the person or persons who shall, by the greatest number of votes, have been duly elected to such office or offices; and it shall be the duty of such members of the Senate as shall be summoned, to attend at Trenton on that day for that purpose.

Board of state
canvassers.

84. *And be it enacted*, That, for the purpose of canvassing and estimating the votes as above mentioned, and of determining and declaring the person or persons who shall have been elected at such election, the governor and the members of the Senate, who shall have been summoned as aforesaid, shall meet in the chamber of the Senate, or some other convenient place at Trenton, at the hour of two o'clock in the afternoon of the day appointed for that purpose, and shall constitute a board of state canvassers; and the governor shall be the chairman thereof, and the secretary of this state shall be the clerk thereof.

85. *And be it enacted*, That the chairman of such board, as soon as the same shall have met, shall administer to each member thereof, and each member thereof shall take an oath or affirmation in the following form:

Oath of state canvassers.

“You do swear, (or affirm, as the case may be,) that you will faithfully and impartially execute the duties of a member of this board according to law;” and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to the chairman thereof, an oath or affirmation, in the same form as that which shall have been taken by the other members of such board.

86. *And be it enacted*, That if the secretary of state shall be absent at such meeting, at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take an oath or affirmation in the following form:

Clerk to be appointed, if secretary of state be absent.

“You do swear, (or affirm, as the case may be,) that you will faithfully execute the duties of clerk of this board.”

Oath.

87. *And be it enacted*, That such board shall consist of at least five persons, including the chairman thereof; and if a number of the members of the Senate who shall have been summoned as members of such board, sufficient to constitute such board, shall not attend the meeting thereof, it shall be the duty of the governor to summon, as members of such board, as many fit persons, who shall possess the qualifications required for members of the Senate, as shall be necessary to complete the number required to constitute such board.

Vacancies, how supplied.

88. *And be it enacted*, That as soon as such board shall have been organized, and the members and clerk thereof sworn or affirmed, the secretary of state shall produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained; and such board shall then forthwith proceed to make a statement of the result of such election in the state, which statement shall contain the whole number of the names of the voters in all the poll-books in the state, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the whole number of the votes which shall have been given to each person for any such office or offices, mentioning the office or offices for which each person shall have been designated, and shall contain the name of each county, the number of names in the poll-books

Statement of result to be made.

in the counties respectively, the number of votes given for each person in each county for any such office or offices; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes given for each person, and the name of each county, shall be in words written at full length; and the whole number of the names of the voters in all the poll-books in the state, the number of the names in the poll-books in the counties respectively, and the number of votes given for each person in each county, may be in figures, and such statement shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk of the board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement, and certificate appended thereto, which shall be made as above directed, shall be made in a form similar to that given in the seventy-fifth section of this act, as far as the nature of such election will admit; and when the statement and certificate above mentioned shall have been made and subscribed, such board shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated, and thereupon such board shall make a statement of their determination, and such statement shall be certified to be true and correct by a certificate, which shall be appended to the same; and the chairman of such board shall sign his name thereto with his own hand, in the presence of the clerk thereof, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto with his own hand; and the statement of such determination, and the certificate appended thereto, so made and subscribed, shall be made in a form similar to that given in the seventy-seventh section of this act, as far as the nature of such election will admit, and shall be annexed to the statement of the result of such election, and the certificate appended thereto, so made and subscribed as above mentioned; and both of such statements and certificates shall forthwith, after the completion of the same, be delivered to the secretary of state, who shall, as soon as the same shall be delivered to him, file the same in his office as official papers.

89. *And be it enacted*, That if the secretary of state shall neglect to produce and lay before such board all such statements and copies as shall have been received or obtained by him, or shall withhold any such statement or copy, the chairman of such board shall forthwith summon such secretary to appear before such board, to produce and lay before the board

Secretary of state may be summoned to appear, and produce papers withheld.

such statement or copy as he shall have neglected to produce and lay before such board, or shall have withheld, and thereupon such secretary shall forthwith produce and lay the same before such board.

90. *And be it enacted*, That such board shall make the statement of the result of such election in the state, and their determination as to the person or persons who shall have been elected therein, upon, and only upon, the statements of the result of such election, or the copies of such statements which shall have been made by the board of county canvassers in the several counties, and produced and laid before such board; *provided*, that if it shall appear, by any such statement from any county, that the statement of the result of such election in any township of such county is not exhibited by or included in such statement, such board shall give full force and effect to the statement of the result of such election in such township, or the copy of such statement, which shall be produced and laid before such board by the secretary of state, as is herein before directed.

Grounds upon which statements are to be made.

91. *And be it enacted*, That the proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member of such board shall dissent from such decision, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the secretary of state, who shall file the same in his office.

Proceedings to be public.

92. *And be it enacted*, That all the statements and copies of statements which shall have been produced and laid before such board, shall be delivered to the secretary of state, and be by him filed in his office as official papers.

Statements, &c. to be filed.

93. *And be it enacted*, That the secretary of state shall make as many copies of the statement of the determination of such board, and the certificate thereto, as there shall be persons thereby declared to be elected, and shall certify such copies to be true, full, and correct, by a certificate appended to each of them, and shall sign his name thereto with his own hand, and affix thereto the seal of the state, and shall, without delay, deliver one of the same to each of the persons who shall be so elected.

Copies of statements, &c., to be given to persons elected.

94. *And be it enacted*, That in case of an election for one or more members of the House of Representatives, the secretary of state shall prepare a general certificate of the election of such member or members, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall

Certificate of election of members of Congress to be sent to clerk of House of Representatives.

attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall thereupon affix the seal of the state thereto, and transmit the same forthwith to the clerk of the said House of Representatives, if they shall then be in session, and if not in session, then at their first meeting; and in case of an election for electors of president and vice president of the United States, such secretary shall prepare a general certificate of the election of such electors, and lay the same before the governor, who shall sign his name thereto with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto with his own hand, and shall thereupon affix the seal of the state thereto, and deliver the same to the president of the college of electors of this state, on the day and at the time and place appointed for the meeting of such college.

Board of state
canvassers, how
constituted.

95. *And be it enacted*, That the governor, and four or more members of the Senate, to be summoned by him, shall constitute a board of state canvassers, for the purpose of estimating the votes given for governor; and the provisions of the eighty-second, eighty-third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, ninetieth, ninety-first, and ninety-second sections of this act shall extend to the canvass of the votes for the office of governor; and the secretary of state shall make out a copy of the statement of the determination of the board, and certify the same, agreeably to the provisions of the ninety-third section of this act, and shall without delay deliver the same to the person thereby declared to be elected.

What to be evi-
dence of right to
seats in Senate
and Assembly.

96. *And be it enacted*, That the Senate and General Assembly shall convene and hold their sessions in the state house at Trenton; and in the organization of each house, the certified copies of the statements of determination made under the direction of the seventy-ninth section of this act, shall be deemed and taken to be prima facie evidence of the right of the persons therein mentioned to seats in the houses, respectively, to which they shall have been so determined to be elected.

Time and place
of meeting of
electors.

97. *And be it enacted*, That the electors of president and vice president shall convene in the state house at Trenton, on the day appointed by Congress for that purpose, and constitute an electoral college, at the hour of three o'clock in the afternoon of that day, and, after choosing a president and secretary from their own body, shall proceed to perform the duties required of them by the constitution and laws of the United States.

98. *And be it enacted,* That the clerk or judge of election of any township, the clerk or chairman of the board of canvassers of any county, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the secretary of state, deliver to such messenger such statement or copy; and the clerk or judge of election of any township, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the clerk of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officers by whom he shall have been despatched, and shall exhibit his commission to the person to whom he shall apply for such statement or copy; and when he shall have obtained such statement or copy, shall forthwith deliver the same to the officer who shall have despatched him.

Statements sent for by secretary of state to be delivered to messenger.

99. *And be it enacted,* That the board of election in each township, the board of county canvassers in each county, and the board of state canvassers, shall, respectively, possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions, respectively; and if any person shall refuse to obey the lawful command of any such board, or, by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by the chairman, and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met; for a period not exceeding thirty days; and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or, if a sheriff or constable shall not be present, or refuse to act, by any other person who shall be deputed by such board in writing; and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

Boards of election and county canvassers may commit disorderly persons.

100. *And be it enacted,* That if any person shall intend to contest the right of any person who shall have been declared, at any such election, to be duly elected a member of the Senate, a member of the General Assembly, or a member of the House of Representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person so intending shall, within thirty days next

Persons intending to contest elections to give notice to opposite party.

after the day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest: which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years; and such notice shall particularly set forth the ground or grounds on which such seat will be contested.

Subpoenas in case of contested elections, by whom issued.

101. *And be it enacted*, That the judges of the court of common pleas, the commissioners to take bail and affidavits in the supreme court, and the masters in chancery, respectively, shall have power, and are hereby required, at any time, on application to them by any person who shall intend to contest the right of any person to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpoena or subpoenas to any person or persons whose testimony the persons so applying shall be desirous to take, and to appoint some time, not less than ten nor more than twenty days after such application shall be made to him, and some place for the examination of such person or persons; *provided*, that no officer shall issue any such subpoena or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

Proviso.

Notice to be given of taking depositions.

102. *And be it enacted*, That when such time and place shall have been appointed, the person who shall have made such application shall forthwith give at least eight days' notice of such time and place, and of the name of the officer who is to take the testimony to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice mentioned in the one hundredth section of this act is directed to be given.

Manner of taking depositions.

103. *And be it enacted*, That, at the time and place which shall have been so appointed, the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be in the handwriting of such officer, or of the person or persons, respectively, who shall be examined, and shall be signed by the person or persons, respectively, who shall be examined; *provided*, that such officer shall not proceed to take the testimony of any person, unless he shall be satisfied that such notice has been given as is herein before directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice; and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is herein before directed.

104. And be it enacted, That the officer who shall take any such deposition or depositions, shall certify the same under his hand, and shall enclose, seal up, and transmit or deliver the same, in case the intended contest shall relate to a seat in the Senate, to the president of that body; in case it shall relate to a seat in the General Assembly, then to the speaker of that body, and in case it shall relate to a seat in the House of Representatives of the United States, then to the speaker of that body.

To whom, and by whom depositions are to be transmitted.

105. And be it enacted, That it shall be the duty of every person upon whom a subpoena, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpoena, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the person on whose application such subpoena shall have been issued; *provided always*, that no person shall, in any case, be required to attend any such examination as a witness out of the county in which he resides.

Penalty for non-attendance of witnesses.

106. And be it enacted, That no person shall make, lay, or deposit any bet, wager, or stake, to be decided by the result of any such election by the election or defeat of one or more persons at such election, or by any contingency connected with or growing out of any such election; and all contracts for or on account of any money, property, or thing in action, so bet, wagered, or staked, shall be void; and any person who shall pay, deliver, or deposit any money, property, or thing in action upon the event of any bet, wager, or stake, prohibited by this section, may sue for and recover the same of the winner or winners, or person or persons, to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he or they shall have been a stakeholder or stakeholders, or other person or persons, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager, or stake shall have been lost.

Betting on elections prohibited.

107. And be it enacted, That if any person shall be guilty of wilful and corrupt false swearing or affirming, or by any means shall wilfully and corruptly suborn or procure any person to swear or affirm falsely as aforesaid, in taking any oath, affirmation, or deposition prescribed or authorized by this act, he shall be deemed and taken to be guilty of a high misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before which such conviction shall be had, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as the judgment

Punishment for false swearing.

of such court, given against him therefor, shall be reversed: *provided*, that in no case shall such fine exceed the sum of eight hundred dollars, or such imprisonment the term of seven years.

Bribery prohibited.

108. *And be it enacted*, That no person shall in any way, directly or indirectly, offer, promise, procure, confer, accept, receive, or take any money, property, thing in action, victual, drink, preferment, or other consideration, by way of fee, reward, gift, or gratuity, for giving, or refusing to give, any vote in any such election; nor shall any person, at any such election, by menace or other corrupt means or device, directly or indirectly attempt to influence any person in giving, or refusing to give, his vote therein, or to deter or dissuade any person from giving his vote therein, or to disturb, hinder, persuade, threaten, or intimidate any person from giving his vote therein; nor shall any person, at any such election, knowingly and wilfully make any false assertion or propagate any false report concerning any person who shall be a candidate thereat, which shall have a tendency to prevent his election, or with a view thereto; nor shall any officer or other person summon, call out, or request any company or body of militia to appear, parade, or exercise on the day of any such election, except in case of invasion or insurrection.

Acts prohibited by preceding section, how punished.

109. *And be it enacted*, That if any person, shall be guilty of any act forbidden or declared to be unlawful by the preceding section of this act, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of two hundred and fifty dollars, or such imprisonment the term of six months.

Penalty for offering to vote a second time.

110. *And be it enacted*, That if any person, who shall have voted in any such election in any township, shall offer himself a second time as a voter in the same or any other township in such election, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of five hundred dollars, or such imprisonment the term of one year.

Punishment of judges and clerks for certain misdemeanors in office.

111. *And be it enacted*, That if any judge of election shall, at any election held in pursuance of this act, knowingly and wilfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall wilfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change, or alter

y such statement or certificate, or any copy thereof, made in pursuance of this act; or if any clerk of any such election shall knowingly and wilfully make any false or untrue entry in any poll-book, or sign or attest any false or untrue statement or certificate of the result of any such election, or copy thereof, or shall, in canvassing and estimating the votes received at any such election, wilfully and corruptly write any figure or mark opposite the name of any person voted for at such election, or refuse or omit to write any such figure or mark, when he is by this act required so to do; or if any judge of election, who shall be appointed to attend any meeting of the board of county canvassers, shall corruptly and without sufficient excuse refuse or omit to attend such meeting at the time and place appointed therefor, or shall corruptly and without sufficient excuse omit or refuse to produce and lay before the said board, or to deliver or transmit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be produced and laid before such board, every person so offending, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labour for any term not exceeding two years, or both.

112. *And be it enacted*, That if any person shall rob or plunder any election-box, or unlawfully and by stealth or violence take therefrom any ballot, ticket, or other paper, or exchange, alter, or destroy any ballot or ticket contained therein, or if any person, other than the clerk of any county or the secretary of state, shall wilfully and corruptly suppress, withhold, mutilate, destroy, alter, or change any return, statement, or certificate, or any copy thereof, which shall have been made in pursuance of this act, and delivered to him to be filed, or which shall have been intrusted or delivered to him to be delivered or transmitted to any other person or persons in pursuance of this act, every such person, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labour for any term not exceeding two years, or both.

Punishment for
robbing ballot-
box, &c.

113. *And be it enacted*, That if the clerk of any county shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of county canvassers, or if the chairman or clerk of any such board shall

Punishment of
secretary of
state and county
clerk for certain
misdemeanors
in office.

wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly refuse or omit to certify, sign, or attest any such certificate which he is by this act required to certify, sign, or attest; or if any secretary of state or clerk of the board of state canvassers shall wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of state canvassers, every such person so offending, his aiders, procurers, or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labour for any term not exceeding seven years, or both.

Construction of
certain words in
this act.

114. *And be it enacted*, That, for the purposes of this act, the term "township" shall be construed to include every city, borough, ward, or precinct in which any election held under this act is or shall hereafter be by law directed or authorized to be held, and the term "governor" shall be construed to mean the person who shall for the time being have the supreme executive power of this state.

Compensation
to certain of-
ficers.

115. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed:

The clerk of each township, for advertising each election, one dollar and fifty cents;

The clerk of election, for each day's service, two dollars;

Each judge of election, for each day's service, two dollars;

Each member of any board of county canvassers, for each day's service, two dollars;

For mileage, in attending any such board, five cents for every mile, out and in, to be computed from the court-house to his residence;

The clerk of each county, for advertising any special election, two dollars;

The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents.

116. *And be it enacted*, That the officers and persons named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the person for whom such services shall be performed:

Fees of persons named for certain services.

The judge, commissioner, or master, for issuing each subpoena, twenty cents;

For administering each oath or affirmation, ten cents;

For taking depositions, twenty cents for each folio;

The person who shall serve any subpoena, for each subpoena, twenty-five cents;

Each witness, for each day's attendance, fifty cents.

117. *And be it enacted*, That the officers herein after named shall, for the services herein mentioned, receive the fees thereto annexed, to wit: the secretary of state, for giving to the clerk of a county such notice of an election as is required by the fourth and seventh sections of this act, the sum of fifty cents for each notice, and also all postage incurred by him, if any, in giving such notice, to be paid by the treasurer of the state; the clerk of a county, for making out and transmitting to the clerk of each township a copy of such notice received from the secretary of state, and also for giving such notice as is required by the fifth section of this act, the sum of fifty cents for each notice or copy of notice, together with all postage, if any, necessarily incurred by him in transmitting the same, to be paid by the collectors of the counties, respectively, in which such services shall be performed.

Fees of secretary of state and county clerk for notices of election.

Approved, April 17, 1846.

AN ACT concerning the revised statutes passed at the present session of the legislature.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the several acts passed by the legislature at its present session, and designated as "Revision" bills, shall take effect on the first day of February, in the year of our Lord one thousand eight hundred and forty-seven, and shall not be printed in the pamphlet laws of this session, excepting however, an act entitled, "An act for auditing the public accounts," an act entitled, "An act to regulate the state

Certain revision laws to be printed with pamphlet laws.

library," an act entitled, "An act to prescribe and declare the mode of appointing certain officers," an act entitled, "An act for the preservation of clams and oysters," an act entitled, "An act respecting the office of treasurer," and an act entitled, "An act to regulate elections;" which said last mentioned acts shall go into operation immediately, and be printed with the current laws.

Part of former
act repealed.

2. *And be it enacted*, That all acts and parts of acts, inconsistent with any thing contained in the said act entitled, "An act to regulate elections," be repealed; but such repeal shall not be construed to vacate any office, or affect any appointment held or made by virtue of any statutory provision hereby repealed, but the said appointments shall continue, and the said offices shall be held, in the same manner as if such statutory provision had not been repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved, April 17, 1846.

AN ACT relative to the tax and transit duty payable to the state by the New Jersey Railroad and Transportation Company.

Amount of tax
to be paid.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby authorized and directed to receive from the New Jersey Railroad and Transportation Company, on the first day of January of each and every year, until the year one thousand eight hundred and forty-nine, the sum of four thousand dollars per annum, being the tax of one-fourth per centum on their capital stock paid in; *provided however*, that nothing herein contained shall in any wise affect the payments to the state, by the said company thereafter, of the tax of one half per centum required by the eighteenth section of the act incorporating said company.

2. *And be it enacted*, That it shall be the duty of the treasurer of the aforesaid company, in addition to the returns now required by law, to make hereafter, in each and every year, quarterly returns, under oath or affirmation, to the treasurer of this state, of the whole amount of moneys received by the said company from passengers, for whom the said company are subject by law to pay transit duties to the state; and the treasurer of said company shall thereupon pay quarterly, in each and every year, to the treasurer of this state, the sum of eight cents for every dollar so received in payment of the transit duties chargeable for passengers on said company, by their act of incorporation.

Treasurer of company to make quarterly returns.

3. *And be it enacted*, That this act shall go into effect as soon as the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to and part of the charter of the said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of state; a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance.

Act, when to take effect.

4. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be altered, &c.

Approved, February 18, 1846.

Whereas the legislature of the state of New Jersey did, at their late session, pass an act entitled, "An act relative to the tax and transit duty payable to the state by the New Jersey Railroad and Transportation Company;" and whereas the third section of the said act enacts "that this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to and part of the charter of the said company, under the hands of the president and secretary and the corporate seal of said company, and file the same in the office of the secretary of this state, a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance,"—Be it therefore hereby certified, that the New Jersey Railroad and

Acceptance.

Transportation Company do accept this said act, as a supplement to and part of the charter of said company.

Witness the hands of the president and secretary, and the seal of the said the New Jersey Railroad and Transportation Company, this twenty-ninth day of April, in the year of our Lord one thousand eight hundred and forty-six.

JOHN S. DARCY, [L. S.]
Prest. N. J. R. R. & T. Co.

JOHN P. JACKSON,
Sec. N. J. R. R. and T. Co.

A true copy.

CHARLES G. MCCHESENEY,
Sec'y of State.

JOINT RESOLUTIONS.

To authorize payment to the commissioners for selecting a site for the New Jersey State Lunatic Asylum, not provided for in the act approved March twenty-sixth, eighteen hundred and forty-five.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay three hundred and sixty-four dollars and thirty-four cents, out of the state treasury, to Daniel Haines, Thomas Arrowsmith, John S. Condit, Joseph Saunders, and Maurice Beesley, commissioners appointed to select a site for the erection of the State Lunatic Asylum, being the expense incurred by said commissioners for advertising, postage, and travelling expenses while in the prosecution of their duties; and the committee on the treasurer's accounts is authorized to allow the same, in the settlement of his accounts.

Approved, January 22, 1846.

Treasurer authorized to pay expenses of commissioners.

Relative to the pilot system.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That the act of Congress, of March second, eighteen hundred and thirty-seven, entitled, "An act concerning pilots, authorizing the commander of any vessel coming into or going out of any port situate upon waters which are the boundary between two states, to employ any pilot duly licensed or authorized by the laws of either of the states bounded on the said waters to pilot said vessel to and from said ports, has, in the opinion of this legislature, been a useful and salutary law, and that the operation of the same has materially diminished the perils to which ships and cargoes, and the lives of those, both passengers and crew, who navigate the ocean are exposed.

Resolved, That the act in question, by producing competition, has stimulated exertion, secured to the most active and enterprising the fair rewards of their labour, and aroused from their lethargy those who are content to gain an easy living without effort and without exposure, while enjoying the monopoly allowed them by the regulations existing before the passage of that act and of the New Jersey pilot laws.

Resolved, That, in the opinion of this legislature, the said act is within the range of the constitutional power of Congress to regulate commerce among the several states, and that its constitutionality may be considered as settled by the decision pronounced by the highest judicial tribunal of the Union, in the well known steamboat controversy; and, while we would regret and oppose any encroachment by the general government upon the powers of the states, we call on that government to maintain in its full vigour a power legitimately belonging to it, and the operation of which, as exercised by the act of Congress before referred to, has been useful and salutary, beneficial to commerce, and injurious to none but those who enjoyed the profits of a monopoly.

Resolved, That our senators and representatives in Congress be earnestly requested to use their best efforts to prevent the repeal of the said act.

Resolved, That the secretary of state be directed to transmit a certified copy of these resolutions to each of the senators and representatives in Congress from this state.

Approved, January 27, 1846.

To authorize further payment to Samuel P. Hull, for printing votes and proceedings of Senate, in the year eighteen hundred and forty-five.

Payment to S.
P. Hull authorized.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay to Samuel P. Hull two hundred and ninety-four dollars and fifty cents, being the balance deducted from his bill for printing the journal of the first Senate of this state.

Approved, February 27, 1846.

Concerning the late shipwrecks upon the coast of New Jersey.

Governor authorized to appoint commissioners.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That, in order to prosecute thoroughly the investigation of the charges against citizens of this state, in the vicinity of the vessels recently wrecked on the Monmouth coast, the governor be authorized to appoint three commissioners, with power to send for persons and papers, and to examine witnesses under oath, touching the said charges.

Compensation.

Resolved, That the governor be authorized to draw from the treasury, such sum or sums of money as may be necessary to defray the reasonable expense of such investigation.

Approved, March 5, 1846.

Concerning the Law Association:

\$100 granted to Law Association.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he hereby is authorized and directed to pay over to the librarian of the Law Association of this state one hundred dollars, to be expended towards the increase of the library of said association.

Approved, March 12, 1846.

To appropriate certain rooms in the state buildings for the use of the New Jersey Historical Society.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the room in the public buildings of the state over the office of the clerk of the supreme court, and such one of the vaults attached to the treasurer's office as the treasurer shall designate, be, and the same are hereby appropriated to the use of the New Jersey Historical Society, for the purposes of their library and the deposit and safe-keeping of their valuable documents and other collections; *provided* the said society shall determine, at their next annual meeting, to locate their library at the seat of government, and elect to use and occupy the same:

Certain rooms in state buildings appropriated to Historical Society.

Approved, March 18, 1846.

Relative to the removal of obstructions to the navigation of the river Delaware.

WHEREAS the bar which has formed in the river Delaware, below the head of tide water near Periwig island, is a serious obstruction to the navigation, at a place over which property of great value, belonging to citizens of New York, Pennsylvania, and New Jersey, passes annually from the interior to the sea-board, and over which, during the last war, the military stores of the general government had to be transported; and whereas it is the duty of Congress to keep in good order a channel, the unobstructed passage of which is at all times highly convenient to the commerce of the country, and which may be of essential service to the military operations of the nation; and whereas it is believed that said obstruction can be removed, and prevented from again forming, at a reasonable expense—therefore, Preamble.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the importance of accomplishing the above mentioned object, should commend it to the early and serious attention of Congress, and that our senators and representatives in that body are requested to use their efforts to procure a suitable appropriation for that purpose.

Senators and representatives requested to use their efforts, &c.

Resolved, That the governor be requested to forward a copy of these resolutions to each of our senators and representatives in Congress.

Approved, March 20, 1846.

Authorizing the sale and conveyance of a certain lot of land in Paterson, to certain persons therein named.

Preamble.

WHEREAS a certain lot of land, situate in the township of Paterson, in the county of Passaic, and state of New Jersey, by indenture, bearing date the twenty-ninth day of July, eighteen hundred and forty-five, was conveyed by Nathaniel B. Lane, sheriff of said county, to the state of New Jersey, to satisfy, in part, a certain debt due and owing to the trustees for the support of free schools; and whereas Edwin Laffan and David B. Rising, of the city of New York, propose to purchase said lot for the sum of seven hundred and twenty dollars, lawful money, which is esteemed a fair price for the same—therefore,

Attorney general authorized to make conveyance.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the attorney general be authorized and directed to execute, in the name of the state of New Jersey, a good and sufficient deed of conveyance, under his hand and seal, conveying said lot of land, with the appurtenances, to the said Edwin Laffan and David B. Rising, equally, in fee-simple as tenants in common, and that he deliver said deed, after having acknowledged the execution thereof before some proper officer, to the treasurer of this state, who is authorized and directed to deliver the same to the said Edwin Laffan and David B. Rising, upon their paying or securing the payment of the aforesaid sum of seven hundred and twenty dollars to the said trustees for the support of free schools.

Approved, March 31, 1846.

To provide for the safe-keeping of the state buildings and grounds in the city of Trenton.

Preamble.

WHEREAS the state house has been repaired, and large and important additions made thereto, for the accommodation of

the state officers, and the convenience of those who have business to transact with them, in doing which a large sum of money has been expended; and whereas the public grounds adjacent to the state house are to be graded and planted with suitable trees, and it is thus rendered important that the buildings and grounds should be well cared for and kept in proper condition and repair—therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state house and adjacent public grounds be, and hereby are put under the care and safe-keeping of the treasurer of the state; that the doorkeepers of the two houses, immediately after the legislature have adjourned, shall deliver to the said treasurer all the keys of their respective houses, which shall be safely kept in his office until the next meeting of the legislature; that when the courts are not in session, the keys of the respective court rooms shall also be deposited with him for safe-keeping; and it shall be the duty of the said treasurer to have the general supervision and care of said buildings and grounds, to preserve them from injury and to provide for their being kept in proper order, for which services he shall receive the sum of seventy-five dollars per year, to be paid out of any moneys in the treasury not otherwise appropriated.

Treasurer to have charge of state house, &c.

Approved, April 9, 1846.

Authorizing the treasurer to borrow money.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be, and he hereby is authorized to borrow, from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding forty thousand dollars, at a rate of interest not to exceed six per centum per annum.

Treasurer authorized to borrow money.

Approved, April 17, 1846.

Respecting light-house on Tuckers beach or Absecomb beach.

Preamble.

WHEREAS the erection of a light-house on Tuckers beach, or Absecomb beach, as the commissioners may think most eligible, would greatly promote the safety of vessels navigating the Atlantic coast, and thereby conduce to the interests of navigation and commerce; and whereas an application from the citizens of this state for an appropriation for such object is now before Congress—therefore,

Senators, &c.,
requested to obtain appropriation, &c.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That our senators and representatives in Congress be requested to use their influence to obtain a sufficient appropriation for the purpose of constructing a light-house as aforesaid.

Governor to transmit copies.

Resolved, That the governor of this state be requested to forward to each of our senators and representatives a copy of these resolutions.

Approved, April 17, 1846.

Relative to the tariff system.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That it is the duty of the United States, in the regulation of commercial intercourse with foreign nations, so to adjust imposts that sufficient revenue may be raised, and a fair and competent protection of the labour and industry of the people secured.

Resolved, That the tariff of eighteen hundred and forty-two, having replenished an exhausted treasury, and relieved the country from severe distress, while it ensures ample revenue and sufficient protection, should in its general provisions be faithfully sustained, and that just and increasing alarm is produced by any effort to repeal or essentially modify the same, such efforts tending, of necessity, to discourage domestic industry, by subjecting it to the competition of unlimited capital allied to the impoverished labour of foreign countries, and to impair confidence in the policy, credit, and currency of the country.

Resolved, That the senators and representatives of this state in Congress be requested to use every proper and honourable effort to prevent the repeal or material alteration of the laws now in force imposing duties on foreign imports.

Resolved, That the governor of this state be requested to transmit a copy of the above resolutions to each of the senators and representatives aforesaid.

Approved, April 17, 1846.



Relative to the distribution of the revised laws.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That in the distribution of the revised laws, a copy be furnished to each member of the present legislature, and to the secretary of the Senate and the clerk of the House of Assembly. Distribution of revised laws.

Approved, April 17, 1846.

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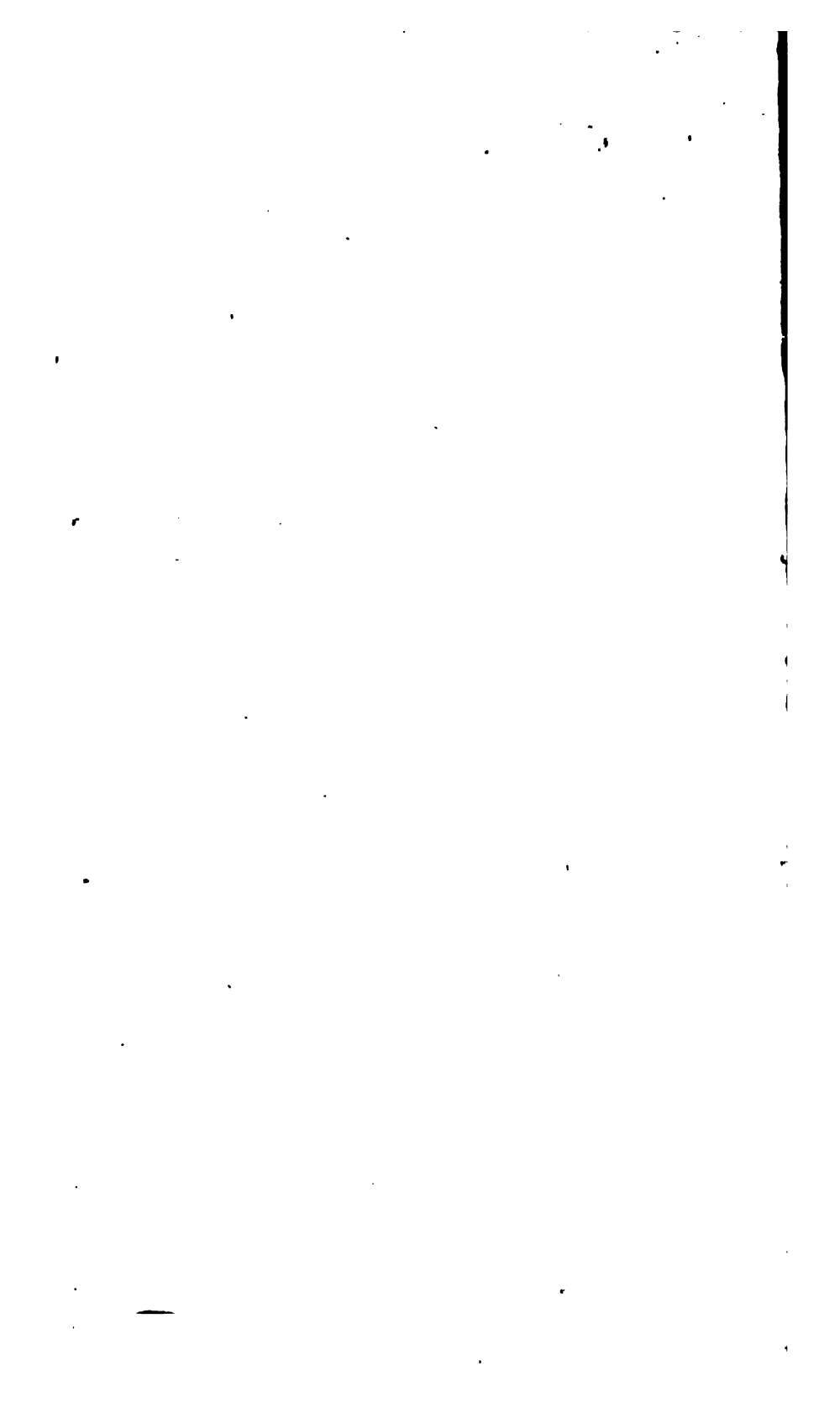
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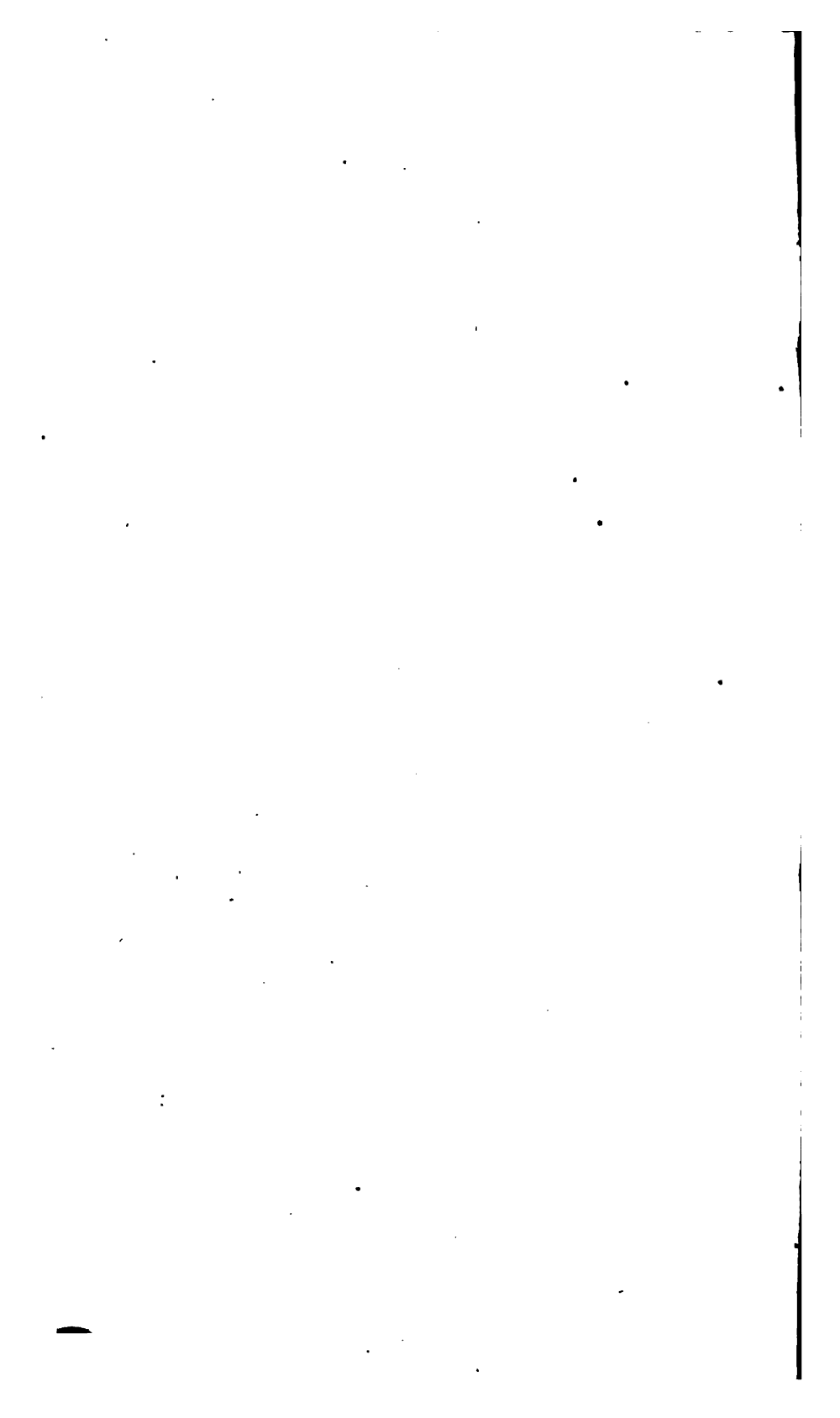


A C T S
OF THE
SEVENTY-FIRST LEGISLATURE
OF THE
STATE OF NEW JERSEY,
AND
THIRD SESSION UNDER THE NEW CONSTITUTION.



TRENTON:
PRINTED BY PHILLIPS & BOSWELL.

1847.



A C T S
OF THE
SEVENTY-FIRST LEGISLATURE
OF THE
STATE OF NEW JERSEY.

AN ACT to renew the charter of the Farmers and Merchants
Bank of Middletown Point.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Farmers and Merchants Bank of Middletown Point," passed February the third, in the year of our Lord one thousand eight hundred and thirty, be, and the same is hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance. Charter extended.

2. *And be it enacted*, That this act shall take effect immediately upon the expiration of the term in and by the said act, entitled, "An act to incorporate the Farmers and Merchants Bank of Middletown Point," limited for the continuance thereof. Act, when to take effect.

Approved January 28, 1847.

AN ACT relative to sheriffs.

Accounts of
sheriffs to
be examin-
ed by clerk

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sheriff of each county in this state shall keep a true account of all the moneys by him paid out under the directions of the thirtieth section of an act entitled, "An act relative to juries and verdicts," approved April seventeenth, eighteen hundred and forty-six, and submit the same for examination to the clerk of the court, who is hereby required to examine said account, and certify the same, if found correct; and the said sheriff, upon the production of said account, so certified, to the county collector, shall be paid the amount so due him by said collector, who shall be entitled to an allowance for the same in the settlement of his accounts with the board of chosen freeholders of his county.

Sheriff to
file state-
ment of a-
mount due
on execu-
tions, &c.

2. *And be it enacted*, That in case of a sale on execution made by a sheriff, under-sheriff, coroner, or other officer, he shall, within thirty days thereafter, file in the clerk's office of the court out of which the execution issued a true statement and calculation, in order of time, of the execution or executions in his hands upon which such sale was made, and the amount due thereon, respectively, at the time of such sale, mentioning the time or times of sale, as also the amount of sales, certified under his hand, together with his bill of costs or execution fees, for which service he shall be entitled to one dollar; *provided*, that such statement, so filed, shall not be conclusive against any person other than such officer; *and provided*, that if there be more sales than one, such statement shall be made and filed within thirty days after the final sale.

Coroners to
act in case
of death,
&c., of she-
riff.

3. *And be it enacted*, That where any sheriff, before the expiration of his term of office, shall die or remove out of the jurisdiction of the state, or otherwise become disabled by law to execute the office, the coroners of the county, or either of them, in addition to the powers conferred by Revised Laws, Title xxx. chap. 14, shall have full power and authority to execute all the other duties of such office of sheriff until another sheriff be elected and qualified to act; and such coroners or coroner executing such powers shall be answerable for the due execution of the same during such interval, in like manner as the sheriff would have been.

Approved February 1, 1847.

A supplement to an act entitled, "An act to incorporate the American Mutual Fire Insurance Company at Plainfield."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of the act to which this is a supplement be, and the same is hereby so amended, that, at the next and every subsequent election, thirteen directors shall be chosen, who shall transact the business of said company; and that section seventh of said act be, and the same is hereby so amended, that the authorized assessment on the members of the corporation shall in no case exceed the amount of the note or obligation given by each member, any thing in the said act to which this is a supplement to the contrary notwithstanding.

Certain sections of former act amended.

Approved February 2, 1847.

A supplement to the act entitled, "An act to incorporate the Paterson Gas Light Company," passed the ninth day of December, eighteen hundred and twenty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said corporation be increased twenty-five thousand dollars, and that each share in the same shall be five dollars, and the subscriptions to the same be opened by the appointment, and under the direction of Andrew Parsons, John Colt, James Van Blarcom, Abraham Godwin, and Robert King, the surviving directors of said company, or a majority of them, subject to such rules, limitations, and conditions as they, or the future directors of the said company, shall prescribe; that the additional capital stock, hereby authorized, shall be entitled to the same privileges, and be subject to the same conditions, limitations, and prohibitions, as are contained and prescribed in the act to which this is a supplement.

Capital increased.

2. And be it enacted, That the stock, property, and concerns of the said corporation shall be ordered and managed under the direction of seven directors, being stockholders; and a majority of them shall be residents of the town of Paterson, and shall hold their offices for one year, and shall be elected on the second Monday of March in each year, at such time and

Time of annual election of directors.

place in the said town of Paterson as a majority of the directors for the time being may appoint.

Part of former act repealed.

3. *And be it enacted*, That so much of the third section of the act to which this is a supplement, as prescribes the number of directors, the time from which they hold their offices, and the time of the annual election, be, and the same is hereby repealed.

Approved February 2, 1947.

AN ACT to change the names of James H. Turk and Catharine Turk, his wife, of the county of Essex.

Preamble. WHEREAS James H. Turk and Catharine Turk, his wife, have presented their petition to the legislature, praying that their names may be respectively changed to James H. Irving and Catharine Irving, and in such petition have stated satisfactory reasons why their prayer therein contained should be granted—therefore,

Names of James H. and Catharine Turk changed.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the name of James H. Turk, of Essex county, be changed to James H. Irving, and that the name of Catharine Turk, his wife, be changed to Catharine Irving; and that henceforth all business and other transactions had by or with the said James and Catharine, or by and with either of them, shall be in the name or names given them respectively by this act, and that by such names they shall respectively be known, in as full a manner as if the name of Irving had been the paternal name of the said James; *provided nevertheless*, that nothing herein contained shall in any manner affect any matter, thing, or transaction heretofore had by or with, in favour of or adverse to the said James and Catharine, or either of them.

Approved February 2, 1947.

AN ACT for the relief of the New Jersey Iron Company.

1. **BE IT ENACTED by the Senate and General Assembly of** Company not dissolved for failure to elect on day prescribed.
the State of New Jersey, That the New Jersey Iron Company shall not be deemed to be dissolved by reason of the omission or neglect of the said company, at any time or times before the passage of this act, to hold an election of directors on any day when, pursuant to the act of incorporation of the said company, it ought to have been held, or on any subsequent day, within one year thereafter, or for want of public notice by the directors, of election on such subsequent day, as required by the said act.

2. *And be it enacted*, That all the official acts of the present Acts of former directors made valid. board of directors of the said company, as well as the official acts of all previous boards, shall not be invalidated by reason of any such election not having taken place at the time and in the mode directed by the said act of incorporation; *provided*, such official acts are not inconsistent with any other provision of the said act of incorporation, in other respects, or with the constitution or laws of this state.

Approved February 2, 1847.

AN ACT to incorporate the Eagle Life and Health Insurance Company in the county of Hudson.

1. **BE IT ENACTED by the Senate and General Assembly of** Style of incorporation.
the State of New Jersey, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of "the Eagle Life and Health Insurance Company;" and the office of the said company shall be located at Jersey City, in the county of Hudson, in this state.

2. *And be it enacted*, That the capital stock of said corporation shall not exceed two hundred thousand dollars, and shall Capital stock. be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation by each subscriber to the capital stock, at the time of subscription, an instalment of five per cent on the stock by him subscribed, and the remainder shall within thirty days from the time of said subscrip-

tion be paid, or secured to be paid, either by mortgage on real estate or such other securities as the directors shall deem sufficient; and until fifty thousand dollars of said stock is paid or secured to be paid, as aforesaid, said company shall not commence business.

Election of directors.

3. *And be it enacted*, That the stock, property, and affairs of said corporation shall be managed and conducted by nine directors, residents of the state of New Jersey, who shall be chosen annually on the third Monday of January in each year, at such time and place in Jersey City as a majority of the directors shall appoint, of which notice shall be given in some public newspaper printed and circulating in the county of Hudson, at least ten days previous to said election; such election shall be held under the direction of three stockholders, to be appointed by the directors; and such election shall be by ballot and by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of stock.

Directors to elect president and vice president.

4. *And be it enacted*, That it shall be the duty of the directors, on organizing the company, and annually thereafter, to choose out of their number a president; and they may also elect a vice president in the same manner, both of whom shall be residents of this state; and the vice president shall perform the duties of the president in case of his death, absence, or inability to act.

Commissioners to receive subscriptions.

5. *And be it enacted*, That Phineas C. Dummer, Edward Coles, and George W. Savage shall be commissioners to receive subscriptions to the capital stock of said company; and when the whole of said stock is subscribed, and five per cent. paid, the commissioners shall call a meeting of the stockholders, by an advertisement published at least ten days previously in some newspaper published and circulating in the county of Hudson, stating the hour and place in Jersey City at which such meeting of the stockholders shall be held; and they shall, by ballot, elect the first directors of said company; said commissioners shall appoint three stockholders, to act as inspectors of said election; but it is *provided nevertheless*, that if there should be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancies so occasioned.

Company may make life insurance.

6. *And be it enacted*, That the said company shall have power to make all and every insurance appertaining to or connected with life insurance, and against sickness and casualty.

Policies, how made.

7. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, which shall be made and entered into by said corporation, may be with or without the

seal thereof, and shall be subscribed by the president or vice president and attested by the secretary, and being so signed, executed, and attested, shall be binding and obligatory upon the said corporation, according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, executed, and attested without the presence of the board of directors.

8. *And be it enacted*, That it shall and may be lawful for the said company to take and hold any real estate or securities bona fide mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and to foreclose the same; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide; but no loans shall be made on real estate, unless the same be situated in this state, and to call in and reinvest the same, so often as it shall be deemed necessary for the interests of the said company.

What real estate may be held.

9. *And be it enacted*, That the capital stock of said company shall be transferable, according to the rules and regulations prescribed by the directors; and every subscriber of any share or shares of said stock, who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may have arisen thereon.

Shares forfeited for nonpayment.

10. *And be it enacted*, That it shall and may be lawful for the directors of said company to make dividends of so much of the profits of the said company as shall appear advisable; and the said dividends shall be paid to the stockholders or their representatives, but the dividends shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired; and if the said directors shall at any time knowingly make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, their heirs, executors, or administrators, or any of them, in any court of record in this state, by any creditor of said company, and may be prosecuted thereon to judgment

Dividends not to be made from capital stock.

and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith protest against said dividend, and request his protest to be entered on the minutes of the board, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest, within ten days thereafter, in a newspaper published and circulating in the county of Hudson.

Tax to be
paid by
company.

11. *And be it enacted*, That the said company shall pay into the treasury of this state one quarter of one per centum per annum on the capital stock paid in, to commence three years after the said company shall go into operation; which amount shall be paid in under the oath or affirmation of the president and secretary thereof.

Limitation.

12. *And be it enacted*, That this act shall continue in force for the term of twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

13. *And be it enacted*, That this act shall take effect immediately.

Approved February 2, 1847.

AN ACT to incorporate the Flemington Copper Company.

Preamble. WHEREAS Hugh Capner, Edward F. Gay, George I. Gross, John G. Brenner, Alexander Cummings, Gideon G. Westcott, and Henry Welsh have, in behalf of themselves and their future associates, by their petition set forth, that they are proprietors in fee of certain tracts of land in the vicinity of Flemington, in the county of Hunterdon, and state of New Jersey, containing mines of copper and other minerals and metals; and also the proprietors of certain other mining privileges, steam engines, smelting furnaces, and other improvements, for conducting the business of mining and smelting copper ores, and refining and manufacturing the same, valued at two hundred thousand dollars (\$200,000); and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorpo-

rating the said petitioners and their future associates, for the purpose of enabling them to work the said mines, and also, to manufacture the ores and metals in such manner as they may think proper—therefore,

1. **BE IT ENACTED** by the Senate and General Assembly of ^{Names of} *the State of New Jersey*, That Hugh Capner, Edward F. Gay, ^{corporators} George I. Gross, John G. Brenner, Alexander Cummings, Gileon G. Westcott, and Henry Welsh, and such others as are or may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in ^{Style.} name, by the name of “the Flemington Copper Company.”

2. *And be it enacted*, That the stock, property, concerns, ^{Time and} and affairs of the said corporation shall be managed and con- ^{mode of an-} ducted by seven directors, who shall be annually elected on ^{annual elec-} the second Tuesday of January, at such time of the day, and at ^{tion of di-} such place in the county of Hunterdon, state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington, and in one of the newspapers printed in the city of Philadelphia; and the election shall then and there be made by such of the stockholders as shall attend for that purpose in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within ninety days after the passage of this act, twenty days' notice in the papers aforesaid to be given of said election by the persons named in the preamble to this act; and the directors so elected shall serve until the second Tuesday of January, A. D. eighteen hundred and forty-eight.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but ^{Corpora-} it shall and may be lawful to hold such election on such other ^{tion not dis-} ^{solved for} ^{failure to} ^{elect on day} ^{prescribed.}

day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Amount of
capital.

4. *And be it enacted*, That the capital stock of the said corporation shall consist of the tracts of lands, mines, mining privileges, minerals and ores, engines, smelting furnaces, and all the improvements thereon referred to in the preamble to this act, and which are valued at two hundred thousand dollars, which shall be divided into ten thousand shares, of twenty dollars each; and it shall be lawful for the directors of said corporation to assess, from time to time, upon each share of the stock, of said corporation, a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days; and it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock; *provided*, that two-thirds in interest of the stockholders of said corporation shall advise and consent thereto, at a meeting of the stockholders called for this purpose, and notice given of the same, as provided for in the second section relating to election of directors; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessments remain unpaid for the period of thirty days after notice shall have been given in such form as the directors may ordain in the by-laws, to the stockholder, that such assessment was due and unpaid.

Quorum.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation.

Stocktrans-
ferable.

6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said corporation.

Transfers
to be regis-
tered.

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders.

Limitation.

8. *And be it enacted*, That this act shall continue in force for the term of twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 2, 1847.

AN ACT to provide for the assessment and collection of taxes in the township of Manchester, in the county of Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Provisions of former act extended.} *the State of New Jersey,* That the provisions of an act entitled, "An act to provide for the assessment and collection of taxes in the township of Paterson, in the county of Passaic," passed March tenth, eighteen hundred and forty-two, shall be extended to, and be in full force and effect in the township of Manchester, in the county of Passaic.

2. *And be it enacted,* That this act shall go into effect upon the passage thereof.

Approved February 2, 1847.

AN ACT to authorize Jonathan McClane to maintain and keep in repair a dock or wharf in front of his land in the township of Shrewsbury, in the county of Monmouth.

WHEREAS Jonathan McClane now has an old dock or wharf, ^{Preamble.} which has been built for a great many years, at the village of Red Bank, and upon and in front of his lands in said village, in the township of Shrewsbury, and county of Monmouth, and extending a small distance into the North Shrewsbury river; and whereas, for many years past, the sand has been washing in around said dock, until it has become necessary for the said wharf or dock to be extended farther into said river, and to be rebuilt and reconstructed, in order to accommodate the vessels navigating the said river—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{J. McClane authorized to build dock.} *the State of New Jersey,* That it shall and may be lawful for Jonathan McClane, his heirs and assigns, to rebuild, reconstruct the said dock or wharf, and to extend the same so far into said North Shrewsbury river as may be necessary for the accommodation of vessels navigating the said river, and at all times to maintain and keep in repair the said dock or wharf, when so built and extended upon and in front of land so belonging to said Jonathan McClane, at the village of Red Bank, in the township of Shrewsbury, and county of Monmouth, and

from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage and wharfage for the use of said dock or wharf, from any person or persons using the same; *provided*, that this act shall not affect the legal rights of any person whatever.

Penalty for
injuring
dock.

2. *And be it enacted*, That if any person or persons shall destroy or in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owner or owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Act, when
to take ef-
fect.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 2, 1847.

AN ACT for the relief of Mary Genung, of the township of Chatham, in the county of Morris.

\$50 to be
paid to M.
Genung.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Mary Genung, widow of Isaac Genung, a soldier of the Revolutionary war, or her order, fifty dollars per annum, during her natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made on the fourth day of March, eighteen hundred and forty-seven.

Approved February 3, 1847.

AN ACT to authorize George T. Boon, Lawrence H. Boon, and Robert M. Boon to erect and build docks, wharves, and piers in front of the land now owned by them on Salem creek, in the county of Salem.

Dock on Sa-
lem creek
authorized
to be built.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George T. Boon, Lawrence H. Boon, and Robert M. Boon, all of the town and county of Sa-

em, be, and are hereby authorized and empowered to erect and build all such docks, platforms, wharves, and piers in front of the land now owned by them on Salem creek, between lands of Minor Harvey and John S. Wood, in the town and county of Salem, as may be necessary and suitable for a steamboat or other landing, and extend the same below low water mark in the said Salem creek, as far as may be requisite or necessary for said purposes, and to reclaim and improve the lands under water in front of said tract of land owned by the said George T. Boon, Lawrence H. Boon, and Robert M. Boon, so far as may be necessary for the purposes of wharves and docks, and to hold and enjoy the same, to them and their heirs and assigns forever, and charge and collect dockage and wharfage from any person or persons using said docks, wharves, or piers; *provided*, that nothing herein contained shall be so construed as to impair the legal rights of any other person or persons, or to authorize any interruption or hinderance to the navigation of said Salem creek.

2. *And be it enacted*, That this act shall take effect immediately. Act, when
to take ef-
fect.

Approved, February 3, 1847.

A supplement to an act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several courts in said act mentioned, which by said act are to be holden in the county of Middlesex on the fourth Tuesday of February, May, August, and November, and in the county of Warren on the second Tuesday of March, June, September, and December, shall, after the first day of May next, be holden at the times following, and not otherwise: in the county of Middlesex, on the second Tuesday of March, June, September, and December, respectively; in the county of Warren, on the fourth Tuesday of February, May, August, and November, respectively. Time of
holding cer-
tain courts
altered.

2. *And be it enacted*, That the provisions of the act to which this is a supplement, inconsistent with this act, are hereby repealed when this act takes effect. Part of for-
mer act re-
pealed.

Act, when
to take ef-
fect.

3. *And be it enacted*, That this act shall go into effect on the first day of May next.

Approved February 4, 1847.

AN ACT to set off from the township of Evesham, in the county of Burlington, a new township, to be called the township of Medford.

Boundaries
of township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Evesham, in the county of Burlington, that lies eastwardly of the boundaries following, *to wit*: beginning at a station in the middle of the south branch of Rancocas creek, and opposite the mouth of Mason's creek; thence up the channel of said Mason's creek to a stone at or near the head of Darnel's mill-pond, standing north, twenty-three degrees west, thirteen chains and fifty links from the middle of the bridge over said creek on the Mount Holly road; and from thence, on a course of south, four degrees west, to the line of Camden county, shall be, and the same hereby is established a separate township, to be called the township of Medford.

Township
incorporat-
ed.

2. *And be it enacted*, That the inhabitants of that part of the township of Evesham that lies eastwardly of the boundaries above mentioned be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the inhabitants of the township of Medford, in the county of Burlington;" and that the inhabitants of that part of said township of Evesham that lies westwardly of the above mentioned boundaries be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the inhabitants of the township of Evesham, in the county of Burlington;" which said two townships, in their corporate capacities respectively, shall be entitled to all the rights, powers, privileges, and advantages, and subject to the same regulations, duties, and liabilities as the inhabitants of the other townships in the said county of Burlington may be entitled to or subject to by the existing laws of this state.

Time and
place of
first town
meeting.

3. *And be it enacted*, That the townships of Medford and Evesham, hereby created, shall each hold their first town meetings on the day appointed by law for holding the annual town meetings in the other townships in said county of Burlington,

the former to be held at the town hall (cross-roads), within the said township of Medford, and the latter at the house of Richard L. Cox, called the Green Tree tavern, within the said township of Evesham, and afterwards at such place in their respective townships as the inhabitants of each shall determine, in manner prescribed by law.

4. *And be it enacted*, That the township committees of the townships of Evesham and Medford shall meet on the second Monday in April next, at ten o'clock in the forenoon, at the town hall aforesaid, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of the said two townships at the last assessment; and the township of Medford shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committee should neglect to meet, as aforesaid, those present may proceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled, as aforesaid, may think proper, not, however, to exceed ten days from the time of the first meeting.

5. *And be it enacted*, That the township committee of the said township of Evesham shall have power, and they are hereby authorized and empowered, to sell and release to the said township of Medford all the right, share, and interest of the said township of Evesham in and to the real estate now belonging to the said townships, respectively, or any part thereof, for such sum or sums of money as may be agreed upon by the committees of the townships interested, and to make and deliver good and sufficient deed or deeds for the same; and that the township committee of the said township of Medford shall also have power, and they are hereby authorized and empowered, to sell and release to the said township of Evesham all the right, share, and interest of the said township of Medford in and to the real estate now belonging to the said townships, respectively, or any part thereof, for such sum or sums of money as may be agreed upon by the committees of the townships interested; or that the committees of both said townships, or a majority of them, may sell to private individuals all or any part of the real estate now belonging to said townships, and to make and deliver good and sufficient deed or deeds for the same, and in all cases to allot and divide the pro-

Committee
to allot and
divide prop-
erty.

Township
committee
to release
right, &c.

ceeds of the sales in manner prescribed in the fourth section of this act.

Land in both townships, how taxed.

6. *And be it enacted*, That all such farms and other parcels of land as are now held as separate and distinct tracts, and are situate on and along both sides of the aforesaid boundary line, and between the head of Darnel's mill-pond and Hewling's mill stream, shall be assessed by, and the tax thereon paid to the township in which the principal buildings thereon are now standing; and if no such improvements thereon at this time, the same to be assessed and paid to the township having within its limits the greater part of such tract of land; and that such assessment shall not be hereafter affected by any change of ownership in the same, or any part thereof whatsoever.

Right of the township of Medford to surplus revenue not impaired.

7. *And be it enacted*, That nothing in this act contained shall be construed to impair or in anywise affect the right of the said township of Medford in and to any portion of the surplus revenue of the general government, to which the said township may now or at any time hereafter be entitled in the distribution of said surplus revenue.

Act, when to take effect.

8. *And be it enacted*, That this act shall take effect on the first day of March next.

Approved February 4, 1847.

AN ACT to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane.

Managers.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Thomas J. Stryker, Lewis W. R. Phillips, Eli F. Cooley, Stacy G. Potts, and Richard Stockton, of the county of Mercer; Daniel Haines, of Sussex; John S. Darcy, of Essex; James Parker, of Middlesex; Charles Ridgway, of Burlington, and Isaac S. Mulford, of Camden, be, and they are hereby appointed managers of the State Lunatic Asylum, and shall hold their offices as follows: the said Thomas J. Stryker and John S. Darcy shall hold their offices until the first day of February, one thousand eight hundred and forty-eight; the said Lewis W. R. Phillips and Richard Stockton shall hold their offices until the first day of February, one thousand eight hundred and forty-nine; the said Eli F. Cooley and Stacy G. Potts shall hold their offices until the

Their terms of office.



first day of February, one thousand eight hundred and fifty; the said Daniel Haines and Isaac S. Mulford shall hold their offices until the first day of February, one thousand eight hundred and fifty-one; and the said James Parker and Charles Ridgway shall hold their offices until the first day of February, one thousand eight hundred and fifty-two: and they shall hold their offices until others are appointed in their stead, subject to being removed by the supreme court, at any time, upon the recommendation of the governor; their successors shall be appointed by the supreme court, at the January term, and shall hold their offices for five years and until others are appointed in their stead, and subject to be removed in the manner aforesaid; the supreme court, at any term, may fill vacancies in the board, but the person appointed to fill a vacancy shall only serve under such appointment for the unexpired time of the person whose place he is to supply.

Successors,
how ap-
pointed, and
vacancies,
how filled.

2. *And be it enacted*, That the government of the State Lunatic Asylum shall be vested in the said board of managers, five of whom, at least, shall reside within twelve miles of said asylum: they shall have the general direction and control of all the property and concerns of the institution, not otherwise provided for by law, and shall take charge of its general interests, and see that its design be carried into effect, and every thing done faithfully according to the requirements of the legislature and the by-laws, rules, and regulations of the asylum, (and to this end they shall confer, counsel, advise, and co-operate with the commissioners appointed to erect said asylum, whenever and as often as occasion may require): and the first meeting of the said board of managers shall be held in the city of Trenton, on Tuesday, the sixth day of April next.

Powers and
duties of
managers.

3. *And be it enacted*, That whenever the proper time shall arrive, the said board of managers shall provide the necessary stock, furniture, and property for the conducting of said asylum, and appoint a superintendent, who shall be a well educated physician, and a treasurer, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the said managers shall approve: they shall also, on the nomination of the superintendent, appoint a steward, who shall give bonds for the faithful performance of his trust, in such sum and with such sureties as the managers shall approve: they shall also, on the nomination of the superintendent, appoint an assistant physician and a matron, all of whom shall constantly reside in the asylum, and be designated the resident officers thereof.

Managers
to appoint
officers.

4. *And be it enacted*, That the managers shall, from time to time, determine the annual salaries and allowances of the resi-

Salaries of
officers.

dent officers of the asylum, subject to the approval of the governor of the state; and such salaries shall not exceed, in the aggregate, five thousand dollars in any one year.

What real or personal property may be held 5. *And be it enacted*, That the managers may take and hold in trust, for the state, any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the maintenance of insane persons or the general use of the asylum.

Managers to make by-laws. 6. *And be it enacted*, That said managers are hereby authorized and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants, and assistants; for fixing the conditions of admission, support, and discharge of patients, and for conducting, in a proper manner, the affairs and business of the institution; to ordain and enforce a suitable system of rules and regulations for the internal government, discipline, and management of the asylum.

Duties and powers of superintendent. 7. *And be it enacted*, That the superintendent shall be the chief executive officer of the asylum: he shall have the general superintendence of the buildings, grounds, and farm, with their furniture, fixtures, and stock, and the direction and control of all persons therein, subject to the laws and regulations established by the managers: he shall daily ascertain the condition of the patients, and prescribe their treatment, in the manner prescribed in the by-laws: he shall appoint, with the approval of the managers, so many assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole discretion; but in every case of discharge, he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the asylum: he shall also have power to suspend, until the next monthly meeting of the managers, for good and sufficient cause, a resident officer; but in such case he shall give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board, to provide for the exigency: he shall also, from time to time, give such orders and instructions as he may judge best calculated to ensure good conduct, fidelity, and economy in every department of labour and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum: he shall cause full and fair ac-

counts and records of all his doings, and of the entire business and operations of the institution, to be kept regularly, from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of December in each year, and that the principal facts and results, with his report thereon, be presented to the managers immediately thereafter: the assistant physician shall perform his duties, and be subject to the responsibility of the superintendent, in his sickness or absence.

8. *And be it enacted*, That the resident officers of the asylum, and all attendants and assistants actually employed therein, during the time of such employment, shall be exempt from serving on juries, and, in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment. Officers exempted from jury duty, &c.

9. *And be it enacted*, That the board of managers shall keep, in a bound book to be provided for that purpose, a fair and full record of all their doings; which shall be open at all times to the inspection of the governor of the state, and all persons whom he or either house of the legislature may appoint to examine the same. Books of minutes to be kept.

10. *And be it enacted*, That the managers shall maintain an effective inspection of the asylum, for which purpose one of them, or more, shall visit it at least once in every week; two or more, at least once in every month; a majority at least once in every three months; and the whole board once a year, at the times and in the manner prescribed in the by-laws: in a book to be kept for that purpose, the visiting manager or managers shall note the date of each visit, the condition of the patients, with remarks of commendation or censure, and all the managers present shall sign the same; the general result of these inspections, with suitable hints, shall be inserted in an annual report, detailing the past year's operations and actual state of the asylum; which the managers shall make to the governor, on or before the fifth day of January in each year, to be by him presented to the legislature, accompanied with an annual report of the superintendent and treasurer. Visits of managers to asylum.

11. *And be it enacted*, That it shall be the duty of the resident officers to admit any of the managers into every part of the asylum, and to exhibit to him or them, on demand, all books, papers, accounts, and writings belonging to the institution, or pertaining to its business, management, discipline, or government; also, to furnish copies, abstracts, and reports, whenever required by the managers. Officers to exhibit books, &c., to managers.

Duties of
treasurer.

12. *And be it enacted*, That the treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the asylum: he shall open an account at one or more banks, to be approved by the managers, in his own name, as treasurer of the asylum, and he shall deposit therein all moneys, immediately on receipt thereof, and shall draw for the same only for the uses of the asylum, and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment: he shall keep full and accurate accounts of receipts and payments, in the manner directed in the by-laws, and such other accounts as the managers shall prescribe: he shall balance all the accounts on his books annually, on the last Monday of December, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall, within two days thereafter, deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the results by a further comparison with the books of the steward, and certify the correctness thereof, within the next three days, to the managers: he shall, further, render a quarterly statement of his receipts and payments, on the first Monday of April, July, and October, in each year, to the auditing committee, who shall compare and verify the same as aforesaid, and report the results thereof, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the asylum: he shall, further, render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers.

Treasurer
may compel
payment of
expenses of
lunatic.

13. *And be it enacted*, That the treasurer of the State Lunatic Asylum shall be vested with the same powers, rights, and authority which are now given by law to the overseers of the poor in any township or city of the state, so far as may be necessary for the indemnity and benefit of the asylum, and for the purpose of compelling a relative, or committee, or guardian, to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and travelling expenses, according to the by-laws of the institution; also, for the purpose of coercing the payment of similar charges, when due from any township, city, or county that is liable for the support of any lunatic in said asylum.

Moneys
due, how
recovered.

14. *And be it enacted*, That said treasurer shall also have authority to recover, for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also, any and all sums which may be charged and due, according to the by-laws of the asylum, for the support of any patient therein, or who may have been

therein, or for actual disbursements made in his behalf for necessary clothing and travelling expenses, in an action to be brought in said treasurer's name, as treasurer of the State Lunatic Asylum, and which shall not abate, by his death or removal, against the individual, township, city, or county legally liable for the maintenance of said patient, and having neglected to pay the same, when demanded by the treasurer, in which action the declaration may be in a general indebitatus assumpsit, and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid; said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release, and acknowledge full satisfaction thereof, so that the same may be discharged of record.

15. *And be it enacted*, That the steward shall, under the direction of the superintendent, make all purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer: he shall also, under like directions, make contracts, in the superintendent's name, with the attendants and assistants, and keep and settle their accounts: he shall also keep the account for the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due: he shall make quarterly abstracts of all his accounts to the last Monday of every March, June, September, and December, for the treasurer and managers: he shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum, and shall, annually, during the third week in December, make out and furnish the managers with a true and perfect inventory, verified by oath, of all the personal property belonging to the asylum, in and about the premises, with an appraisal thereof, made, under oath or affirmation, by himself and two suitable persons, whom the managers shall appoint for that purpose. Duties of steward.

16. *And be it enacted*, That as soon as the asylum shall be ready for the admission of patients, the managers shall cause notice thereof to be published, and also to be sent to the clerk of every county in the state, who shall transmit a copy thereof to the overseer of the poor of each township in their respective county: a circular from the superintendent shall accompany such notice to each county clerk and overseer of the poor, designating different days for the counties, severally, to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support, according to the by-laws. Managers to give notice of completion of asylum.

Application
for admission
of patients.

17. *And be it enacted*, That no person shall be admitted into the asylum as a patient, except upon an order of some court or judge authorized to send patients, without lodging with the superintendent—first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian and surname, place of residence, occupation, and degree of relationship, or other circumstance of connection between him and the person requesting his admission; and second, a certificate, dated within one month, under oath, signed by two respectable physicians, of the fact of his being insane; each person signing such request or certificate shall annex to his name his profession or occupation, and the township, county, and state of his residence, unless these facts appear on the face of the document.

Record of
admissions
to be kept.

18. *And be it enacted*, That the superintendent shall make, in a book kept for the purpose, at the time of reception, a minute, with date, of the name, residence, office, and occupation of the person by whom and by whose authority each insane person is brought to the asylum, and have all the orders, warrants, requests, certificates, and other papers accompanying him carefully filed, and forthwith copied into said book.

Proportion
of patients
in each
county.

19. *And be it enacted*, That each county may, at all times, keep such number of patients, in just proportion with other counties, as the asylum can accommodate; which proportion shall be regulated by the managers: if any one or more of the counties should not send their full proportion, the vacancies may be allotted, by the managers, to other counties having patients, who they may desire to send.

Proceed-
ings in case
of insane
paupers.

20. *And be it enacted*, That whenever any pauper may be insane, it shall be the duty of the overseer of the poor in the township wherein he resides to make application in his behalf to any judge of the court of common pleas of the county; and said judge shall call two respectable physicians, and fully investigate the facts of the case; and if satisfied, after such examination, that the disease is of such a nature as may be cured, he shall issue an order to such overseer, requiring him, without delay, to take such insane pauper to the lunatic asylum, where he shall be kept and supported at the expense of the county in which is his residence, until he shall be restored to soundness of mind, if effected in three years; the judge, in such case, shall have power to compel the attendance of witnesses, and shall file the certificate of the physicians, taken under oath, and other papers relating thereto, and a report of the proceedings and decision, with the clerk of the county, who shall report the facts to the board of chosen freeholders, whose duty it shall be, at their next annual meeting, to raise the money re-

quisite to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the asylum.

21. *And be it enacted*, That when a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to any two judges of the court of common pleas of the county where he resides; and said judges shall call two respectable physicians and other credible witnesses, and fully investigate the facts of the case, and, either with or without the verdict of a jury, at their discretion, shall decide the case as to his insanity and indigence; and if the said judges unite in a certificate that satisfactory proof has been adduced, showing him to be insane, and his estate insufficient to support him and his family, (or if he has no family, himself,) under the visitation of insanity, on their certificate, authenticated by the county clerk, under the seal of the court, he shall be admitted into the asylum, and supported there, at the expense of said county, until he shall be restored to soundness of mind, if effected in three years; the said judges in such case shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers relating thereto, with a report of their proceedings and decision, with the clerk of the county, and report the fact to the board of chosen freeholders, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support, and, as soon thereafter as practicable, pay it to the treasurer of the asylum.

Proceedings in case of indigent insane persons.

22. *And be it enacted*, That when an insane person, in indigent circumstances, shall have been sent to the asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient, and likely to be benefited by remaining in the institution, the chosen freeholders of the county of his residence are authorized and required, upon an application, under oath, in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there a year, and pay the same to the treasurer of the asylum; and they shall repeat the same for two succeeding years, upon like application, and the production of a new certificate each year, of like import, from the superintendent.

Extension of time of patient in asylum.

23. *And be it enacted*, That the inspectors of the state prison shall have power, from time to time, on the recommendation of the physician of the prison, to cause any insane prisoner to be removed to the asylum, where he shall be supported until he shall be restored to soundness of mind, or discharged by the expiration of his sentence; should he be restored before the end of the term of his imprisonment, the managers of the

Inspectors of state prison to remove insane prisoners to asylum.

asylum shall order him returned to the prison ; the expense of his maintenance and clothing at the asylum shall be paid, from time to time, by the keeper of the prison, to the treasurer of the asylum, and shall be included in the current expenses of the prison.

No patient admitted for less than six months. 24. *And be it enacted*, That no person shall be admitted into the asylum for a shorter period than six months, except in special cases provided for in the by-laws.

Managers may authorize admissions in cases of vacancies. 25. *And be it enacted*, That the managers may authorize the superintendent to admit, under special agreements, whenever there are vacancies in the asylum, such cases as may seek admission.

County officers to provide clothing, &c. 26. *And be it enacted*, That all town and county officers sending a patient to the asylum, shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided with suitable changes of raiment, as prescribed in the by-laws.

Proceedings in case of persons acquitted of crime on grounds of insanity. 27. *And be it enacted*, That when a person shall have escaped indictment, or have been acquitted of a criminal charge upon trial, on the ground of insanity, upon the plea pleaded of insanity or otherwise, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the asylum: the county from which he is sent shall defray all his expenses while there, and of sending him back, if returned; but the county may recover the amount so paid from his own estate, if he has any, or from any relative, township, city, or county that would have been bound to provide for and maintain him elsewhere.

Proceedings in case of insane persons in confinement. 28. *And be it enacted*, That if any person in confinement, under indictment, or under sentence of imprisonment, or for want of bail for good behaviour, or for keeping the peace, or appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the judge of the circuit court of the county where he is confined shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the prosecutor of the pleas to aid in the examination, and, if he shall deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment, and order his safe custody and removal to the asylum, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall

inform the said judge and the county clerk and prosecutor of the pleas thereof, whereupon he shall be remanded to prison, and criminal proceedings be resumed, or otherwise discharged; the provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

29. *And be it enacted*, That persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody and sent to the asylum in the same way as persons charged with crimes. Insane persons charged with misdemeanors.

30. *And be it enacted*, That the price to be paid for keeping any person in indigent circumstances in the asylum, shall be annually fixed by the managers, and shall not exceed the actual cost of support and attendance, exclusive of resident officers' salaries; but the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year, unless sooner cured. Price of admission.

31. *And be it enacted*, That every insane person supported in the asylum, shall be personally liable for his maintenance therein, and all necessary expenses incurred by the institution in his behalf; and the committee, relative, township, city, or county that would have been bound by law to provide for and support him, if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same. Expenses of patients, who liable for.

32. *And be it enacted*, That the expenses of clothing and maintenance in the asylum, of a patient who has been received upon the order of any court or judge, shall be paid by the county from which he was sent to the asylum; the county collector of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance, as they shall become due and payable, according to the by-laws of the asylum, upon the order of the steward, countersigned by the superintendent: and the chosen freeholders of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance; said county, however, shall have the right to require every individual, township, city, or county, that is legally liable for the support of such patient, to reimburse the amount of said bills, with interest, from the day of paying the same. Expenses, clothing, &c., of patients sent by counties, how paid.

33. *And be it enacted*, That whenever the managers shall order a patient removed from the asylum to the county whence he came, the collector of said county shall audit and pay the Expenses of removal of patients from asylum, how settled.

actual and reasonable expenses of such removal, as part of the expenses of said county; but if any township or person be legally liable for the support of such patient, the amount of such expenses may be recovered, for the use of the county, by said collector: if such collector neglect or refuse to pay such expenses on demand, the treasurer of the asylum may pay the same, and charge the amount to said county, and the county collector shall pay the same, with interest; and the chosen freeholders of said county shall levy and raise the amount, as other county charges.

Expenses,
how recovered,

34. *And be it enacted*, That every township or county paying for the support of a lunatic in the asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amounts of such payments, with interest from the time of paying such bill, as if such expense had been incurred for the support of the same, at other places under existing laws.

Authority
of court of
chancery
not abridged.

35. *And be it enacted*, That none of the provisions of this act shall restrain or abridge the power and authority of the court of chancery over the persons and property of the insane.

Discharge
of patients.

36. *And be it enacted*, That the managers, upon the superintendent's certificate of a complete recovery, may discharge any patients, except those under a criminal charge, or liable to be removed to prison; and they may send back to the poor-house of the county or township whence he came, any person admitted as "dangerous," who has been two years in the asylum, upon the superintendent's certificate that he is harmless, and will probably continue so, and not likely to be improved by further treatment in the asylum; or when the asylum is full, upon a like certificate that he is manifestly incurable, and can probably be rendered comfortable at the poor-house, they may also discharge and deliver any patient, except one under criminal charge as aforesaid, to his relatives or friends, who will undertake, with good and approved sureties, for his peaceable behaviour, safe custody, and comfortable maintenance, without further public charge.

Discharge
of criminal
patients.

37. *And be it enacted*, That a patient of the criminal class may be discharged by order of one of the justices of the supreme court, if, upon due investigation, it shall appear safe, legal, and right to make such order.

Clothing,
&c., to be
furnished
on dis-
charge.

38. *And be it enacted*, That no patient shall be discharged without suitable clothing, and, if it cannot be otherwise obtained, the steward shall, upon the order of two managers, furnish it; also money, not exceeding ten dollars, to defray his necessary expenses until he reaches home.

39. *And be it enacted*, That the managers of the State Lunatic Asylum shall receive no compensation for their services; but they shall receive their actual travelling expenses, to be paid by the state treasurer, on the warrant of the auditor, on the rendering of their accounts: no court, judge, clerk, or other officer shall receive any compensation for any services performed under this act. Managers not to receive compensation.

40. *And be it enacted*, That all purchases for the use of the Asylum shall be made for cash, and not on credit or time; every voucher shall be taken duly filled up at the time it is taken; accompanying every abstract of vouchers for money paid, there shall be proof, on oath, that the voucher was filled up, and the money paid therefor, at the time the voucher was taken: and the managers shall make all needful rules to enforce the provisions of this section. Purchases for asylum, how made.

41. *And be it enacted*, That the terms "lunatic" and "insane," as used in this act, include every species of insanity, and extend to all deranged persons, and to all of unsound minds, other than idiots; the words "asylum" and "institution" mean State Lunatic Asylum; a word denoting the singular number, as to include one or many; and every word importing the masculine gender only, may extend to and include females. Certain terms, &c., defined.

42. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved February 23, 1847.

AN ACT to set off part of the township of Westfield, in the county of Essex, into a separate township, to be called the township of Plainfield.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all that part of the township of Westfield lying west of the following line: beginning in the middle of Green brook, near Elijah Shotwell's dwelling, and in the range of the centre of the Ferrill road; thence, to run a southeast course, and in the middle of said road, to its junction with the road leading from Plainfield to Rahway, near the two bridges; thence, to run southeast, to the line dividing the township of Rahway from the township of Westfield, shall be, and is hereby set off from the township of Westfield, and

Boundaries of township

made a separate township, to be called by the name of "the township of Plainfield."

Inhabitants
incorporat-
ed.

2. *And be it enacted*, That the inhabitants of the said township of Plainfield shall be, and they are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Plainfield, in the county of Essex," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Essex are or may be entitled or subject to by the existing laws of the state.

First town
meeting.

3. *And be it enacted*, That the inhabitants of the township of Plainfield shall hold their first annual town meeting at the house of John W. Laing, in Plainfield, on the day appointed by law for holding the annual town meetings in the other townships in the county of Essex.

Town com-
mittees to
allot and
divide pro-
perty.

4. *And be it enacted*, That the town committees of the townships of Westfield and Plainfield shall meet, on the first Monday after the next annual town meetings in said townships, at the inn of William S. Deverna, in the village of Scotch Plains, at ten o'clock in the forenoon of said day, and shall then and there, or as soon afterwards as may be, proceed by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships of Westfield and Plainfield all the property and moneys on hand or due, in proportion to the taxable property and rates, as taxed by the assessor of the said township of Westfield at the last annual assessment; and the inhabitants of the township of Plainfield shall be liable to pay their just proportion of debts, if any there be.

Settlement
of paupers.

5. *And be it enacted*, That the said township committees of Westfield and Plainfield shall, at their first meeting, or as soon after as may be, make division by writing, signed by a majority of the members of each township committee, of the paupers at that time chargeable to the said townships, according to the place of their legal settlement.

Act, when
to take ef-
fect.

6. *And be it enacted*, That this act shall take effect and be in force on and after the first Monday in April next.

Approved February 4, 1847.

A supplement to an act entitled, "An act to incorporate the Delaware Manufacturing Company of Trenton," passed March third, eighteen hundred and thirty-seven.

WHEREAS, by an act entitled, "An act to incorporate the Delaware Manufacturing Company," passed March third, eighteen hundred and thirty-seven, it was directed that books for subscription to the capital stock of said company should be opened on the first Tuesday in May then next, giving at least twenty days' notice of the time and place, in one or more of the newspapers of the city of Trenton; and whereas the said books were opened at the time so prescribed, and part of said capital stock was subscribed, but, through mistake, only eighteen days' notice was given of opening said books; and whereas the subscribers to said stock are desirous of reopening said books for the balance of said stock—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dr. John McKelway and Benjamin Coates be, and they are hereby authorized to reopen said books of subscription for the balance of stock of said company, not heretofore subscribed, at the house of Joshua English, in the city of Trenton, on Thursday, the twenty-fifth day of February next, at ten o'clock in the forenoon of that day; twenty days' notice of the time and place of opening the same having been previously given in one or more of the newspapers printed in the said city of Trenton; and that the original subscriptions be deemed and considered valid, if such original subscribers, being advised of the passage of this law, shall so elect.

Approved February 5, 1847.

A supplement to the act entitled, "An act to incorporate the Passaic Turnpike Company," passed February second, A. D. eighteen hundred and thirty-two.

It being represented, by the petition of the Passaic Turnpike Company, that the working of the free-stone quarries at the Little Falls has rendered a portion of their turnpike danger-

ous for travelling, and that it is proper for them to change the location of that portion thereof—therefore,

Company
authorized
to change
location of
road.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Passaic Turnpike Company to change the location of so much of their road, lying between Peckman's river and the Little Falls, as they may deem to be expedient and for the public convenience and safety, having regard to the provisions of their charter, and particularly to the conditions contained in the third section thereof; and, after a map and survey of such new line shall be filed in the office of the secretary of state, said new location shall become a part of their turnpike road; and the map and survey, or a certified copy thereof, shall be conclusive evidence of the location and course of said road at that place.

Approved February 5, 1847.

AN ACT to extend the time limited for completing the Paterson and Ramapo Railroad.

Time for
completing
road ex-
tended.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for completing the railroad, limited in the seventeenth section of the act entitled, "An act to incorporate the Paterson and Ramapo Railroad Company," passed the tenth day of March, eighteen hundred and forty-one, be extended to the period of five years from the fourth day of July next.

Approved, February 5, 1847.

AN ACT to incorporate the Trenton Mutual Life and Fire Insurance Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philemon Dickinson, Xenophon J. Maynard, John A. Weart, Jasper S. Scudder, Joseph C. Potts, Jonathan Fisk, Eli Morris, and others, their associates,

successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Trenton Mutual Life and Fire Insurance Company," to be located at Trenton, in this state; and, in addition to the real estate which the said corporation is allowed by law to hold, they may hold all such real estate as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts. Style.

2. *And be it enacted*, That all persons who shall at any time hereafter ensure in or with the said association, shall, while they so continue, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by seven directors, a majority of whom shall be residents of Trenton, to be chosen by ballot, by and from among the members, and shall hold their offices for one year and until others are chosen; and that the election for directors shall be held on the third Monday of April in every year, at the office of the company, or such other place as a majority of the directors may provisionally designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county of Mercer, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; *provided*, that the persons named in the first section of this act shall be directors until others are chosen in their stead. Persons ensuring, to be members.

Time and mode of annual election of directors.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure lives, and to make all and every insurance appertaining to or connected with life risks, of whatever kind or nature, and also to ensure all kinds of property, both real and personal, against loss or damage by fire. Corporation may ensure lives.

4. *And be it enacted*, That it shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be ensured, for her sole use, the life of her husband for any definite period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or of any of his. Married woman may ensure life of husband.

creditors; but such exemption shall not apply when the amount of premium annually paid shall exceed three hundred dollars.

Insurance,
how paid in
case of
death of
wife.

5. *And be it enacted*, That, in case of the death of the wife before the decease of the husband, the amount of the insurance may be made payable after death to her children, for their use, and to their guardian, if under age.

Premium of
insurance,
how paid.

6. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole of the premium of insurance, in proportion to the amount insured, and to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Directors to
elect presi-
dent.

7. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and at every annual meeting of the directors in each year after, they shall choose from among themselves one person for president, who shall continue in office until the next annual meeting and until another shall be appointed in his place.

Policies,
how made.

8. *And be it enacted*, That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such persons as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency in a ratable proportion on the members of the association, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, and one per cent. on the principal sum mentioned in each policy; which rates or assessments shall be approved of by a majority of the directors; and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, or them required to be paid; and each and every member, or his lawful representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof, shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association; and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction; *pro-*

Assessment
to be made
in case of
loss.

ided, that the accumulated funds from premiums for insurance against fire shall be kept upon the books and in the treasury of said company distinct and separate from the other funds thereof, and in case of loss by fire, the indemnification shall be paid out of such fund exclusively; and in all cases of fire risks, the indemnification or annuity shall be paid out of the funds arising from premiums upon such risks exclusively.

9. *And be it enacted*, That three or more of the directors shall have power to call a meeting of the directors, by giving notice in one or more newspapers published or circulating in the county of Mercer, at least ten days before said meeting. Meeting of directors, how called.

10. *And be it enacted*, That this act shall continue in force for the term of twenty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. Limitation.

Approved February 5, 1847.

A supplement to "An act respecting highways in the township of Paterson, in the county of Passaic," approved January twenty-ninth, eighteen hundred and forty-six.

It being represented that the powers conferred upon the township committee of the township of Paterson, by the act to which this is a supplement, are not sufficient to enable them properly [to establish such regulations as public convenience and the safety of travellers require—therefore, Preamble.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Paterson may make and establish such rules, ordinances, and regulations as they, or a majority of them, shall determine to be necessary for preventing the encumbering or obstructing the streets and side-walks; for preventing or regulating the running at large of dogs and swine; for preventing immoderate riding and driving through or in any of the streets; for preventing or restraining disturbances or disorderly assemblages, at night, in any street or streets; for abating or removing any public nuisance in or upon any of the streets; for re- Township committee to establish rules, &c.

Places, &c.,
how recovered.

gulating the vending of meats, fish, and vegetables; for grading, gravelling, or paving any streets or side-walks, at the expense of the individual owners of the lots fronting on the same, and for such other purposes as the comfort, health, security, and convenience of the citizens and public may require, and to enforce the observance thereof, by penalties, not exceeding twenty-five dollars each, for the use of the said township, and by imprisonment, not exceeding twenty days, for a wanton repetition of the offence, after the imposition and enforcement of a fine: the expenses of paving and the fines may be recovered, with costs of suit, in an action of debt, in the corporate name of the township, before any justice of the peace within the county; the state of demand may be general for a penalty, and the special matters may be given in evidence, and the inhabitants of the township shall be competent jurors and witnesses; and a justice of the peace, before whom judgment of imprisonment shall be given, may carry the same into effect by warrant of commitment, under his hand and seal, directed to the keeper of the jail of the county, who shall receive and keep the defendant at the expense of the township; *provided, however,* that no ordinances shall be made and enforced which will prevent the wagons of farmers, and other vehicles from the country, with wood or the products of their farms, from stopping for the sale thereof, along the sides of the streets, under necessary and uniform regulations.

Act, when
to take effect.

2. *And be it enacted,* That this act shall go into operation immediately after the passage thereof.

Approved February 8, 1847.

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AN ACT to incorporate the Swedesboro' Steamboat Company.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That Malachi C. Horner, Jacob Hovey, Charles Garrison, Isaac Scull, Samuel Ogden, David C. Ogden, Malachi Knisell, Joshua S. Thompson, John Pierson, George Batten, and Benjamin Rulon, and all such persons as are now members or partners of an association called and known by the name of the Swedesboro' Steamboat Company, and their successors, are hereby made and declared to be a corporation and body politic, by the name, title, and designation of "the Swedesboro' Steamboat Company;" and, by that name, may have continual succession, may make and have a

Style and
general
powers.

common seal, and shall have power to sue and be sued, implead and be impleaded, in all courts of record and elsewhere; and may have full power, right, and legal authority to purchase, build, hold, occupy, and convey any steamboat or boats, lands, tenements, hereditaments, and real and personal estate whatsoever, which shall or may be necessary to carry into effect and operation the objects of the said corporation, as hereinafter declared.

2. *And be it enacted*, That all the joint stock of the said association, and all the estate, real, personal, and mixed, all the securities, claims, and demands, all the records, books, papers, and vouchers, in any wise belonging to the said association, shall be transferred to and vested in the said corporation, as absolutely and completely, to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act; *provided*, that nothing in this section contained shall impair or affect the rights of the creditors of the said association.

Joint stock, &c., vested in corporation.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed forty thousand dollars, which shall be divided into shares of fifty dollars each; the capital stock of the said association is to be taken as a part of the said sum of forty thousand dollars; and the members of the said association are to receive so many shares of the said stock of the said corporation as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steamboats from Swedesboro, in the county of Gloucester, to the city of Philadelphia and elsewhere, and is to be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, renting, repairing, or building of suitable landings, wharves, and store-houses; and the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made and adopted.

Amount of capital stock and objects of incorporation.

4. *And be it enacted*, That Malachi C. Horner, Jacob Hovey, Charles Garrison, Isaac Scull, Samuel Ogden, David C. Ogden, Malachi Knisell, Joshua S. Thompson, John Pierson, George Batten, and Benjamin Rulon shall be directors of the said corporation until the election is held, as is hereinafter provided: the board of directors for the time being shall have power to elect a president (who shall be a director), a treasurer, and all such officers and agents, and to employ such workmen, artificers, and labourers, as shall be necessary to carry

Directors, their powers and duties.

into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon, and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, to and for the faithful performance of their several contracts; and the directors of said corporation shall have power to make, ordain, and establish such by-laws, rules, and regulations for the said company as to them shall seem expedient, not inconsistent with the constitution or laws of this state or of the United States.

Books of subscription to be opened.

5. *And be it enacted*, That the residue of the capital stock of said company, or any part thereof not heretofore disposed of, may be disposed of and taken at any time hereafter, whenever the directors, by direction of three-fourths of the whole number, shall deem it necessary and proper, who are authorized to open books of subscription for said stock, at such time or times, and place or places, as they, or a majority of them, shall think proper, giving at least fifteen days' notice of the time and place of their meeting; and at the time of subscription the sum of ten dollars on each share shall be paid to the directors, and the remainder of such subscriptions shall be paid at such times and in such instalments as the directors for the time being shall appoint, under the pain of forfeiting all previous payments on such shares, for the use of said company; *provided always*, that no instalments shall exceed the sum of twenty dollars on each share, and no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least fifteen days' notice of the time and place appointed for the payment of each instalment shall be published in one or more newspapers published in the county of Gloucester and in the city of Philadelphia.

Time and mode of annual election of directors.

6. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by eleven directors, a majority of whom shall constitute a quorum, and at least seven shall be residents in this state, and shall be chosen annually by ballot by the stockholders, either in person or by proxy, no person to be eligible as a director who shall not be a stockholder in the said company; and in the choice of directors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; the first election for directors under this charter shall be held at Swedesboro', on the first Monday of January next, ten days' notice being first given thereof, in a newspaper published in the county of Gloucester and the city of Philadelphia; and the stockholders, when met, to choose three persons as judges of election; and all future

elections for directors of said corporation shall be held annually, at such time and place as the by-laws shall direct.

7. *And be it enacted*, That the president shall preside at all meetings of said corporation, and if absent, his place shall be supplied, for the time he is absent, by the election of any one of the directors; the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, merchandise, wagons, carriages, vehicles, horses, cattle, stock of every kind and description, and all kinds of produce or other articles that shall be transported in the boat or boats of the said company or corporation; and the said board of directors shall, from time to time, declare dividends of so much of the profits of said corporation as they may deem advisable, and pay the sum over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Directors to regulate the prices of transportation.

8. *And be it enacted*, If an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Corporation not dissolved for failure to elect on day prescribed.

9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in an act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Limitation.

Approved February 8, 1847.

AN ACT to incorporate the Jersey City Insurance Company in the county of Hudson.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of

Style of incorporation.

"the Jersey City Insurance Company;" and the office of the said company shall be located at Jersey City, in the county of Hudson, in this state.

Amount of capital.

2. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation by each subscriber to the capital stock, at the time of subscription, an instalment of five per cent. on the stock by him subscribed, and the remainder to be paid, or amply secured to be paid, in such securities on real estate, or other securities, as the commissioners hereinafter named shall deem sufficient; and until fifty thousand dollars of said stock is subscribed for and paid, or secured to be paid as aforesaid, said company shall not commence business.

Election of directors.

3. *And be it enacted*, That the stock, property, and affairs of said corporation shall be managed and conducted by fifteen directors, two-thirds of whom shall be citizens of this state, who shall divide themselves into three classes: the term of the first class shall expire on the second Monday of January next succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire, successively, on the second Monday of January of the following years, or as soon thereafter as others are elected in their stead; the annual election for directors shall be held on the second Monday of January in each year, at such time and place in Jersey City as a majority of the directors shall appoint, of which notice shall be given in some public newspaper published and circulating in the county of Hudson, at least ten days previous to said election; such election shall be held under the direction of three stockholders, to be appointed by the directors; and such election shall be by ballot and by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of the said stock.

Directors to elect president and vice president.

4. *And be it enacted*, That it shall be the duty of the directors, on organizing the company, and annually thereafter, to choose out of their number a president; and they may also elect a vice president in the same manner, both of whom shall be residents of this state; and the vice president shall perform the duties of the president in case of his death, absence, or inability to act.

Commissioners, &c.

5. *And be it enacted*, That Dudley S. Gregory, George W. Savage, Edward Coles, Phineas C. Dummer, Abraham Van Santvoord, and Peter McMartin shall be commissioners to receive subscriptions to the capital stock of said company; and when the whole of said stock shall be subscribed and paid, or

secured to be paid, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by an advertisement published at least ten days previously in some newspaper published and circulating in the county of Hudson, stating the time and place at which such meeting of the stockholders shall be held, and they shall, by ballot, elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election; but it is *provided nevertheless*, that if there should be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancies so occasioned.

6. *And be it enacted*, That the said company shall have ^{General} power— ^{powers.}

First. To make ensurance upon vessels, freights, goods, wares, and merchandise, and to make all and every ensurance connected with marine risks, and the risks of transportation and inland navigation.

Second. To make ensurance upon dwelling-houses, stores, and all kinds of buildings, and upon household furniture, merchandise, and other property, against loss or damage by fire.

Third. To cause themselves to be re-ensured, when deemed expedient.

7. *And be it enacted*, That all policies of ensurance or other ^{Policies,} contracts authorized by this act, which shall be made and ^{how made.} entered into by said corporation, may be with or without the seal thereof, and shall be subscribed by the president or vice president and attested by the secretary, and being so signed, executed, and attested, shall be binding and obligatory upon the said corporation, according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, executed, and attested without the presence of the board of directors.

8. *And be it enacted*, That it shall and may be lawful for the said company to take and hold any real estate or securities ^{What real} bona fide mortgaged or pledged to the said company, or to ^{estate may} secure the payment of any debt which may be contracted with the said company, and to foreclose the same; and also to purchase, on sales made by virtue of any judgment at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the capi-

tal stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide; but no moneys shall be loaned on real estate, unless the same be situated in this state, and to call in and reinvest the same, so often as it shall be deemed necessary for the interests of the said company.

Shares forfeited for nonpayment.

9. *And be it enacted*, That the capital stock of said corporation shall be transferable, according to the rules and regulations prescribed by the directors; and every subscriber of any share or shares of said stock, who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may have arisen thereon.

Dividends not to be made from capital stock.

10. *And be it enacted*, That it shall and may be lawful for the directors of said company to make dividends of so much of the profits of the said company as shall appear advisable; and the said dividends shall be paid to the stockholders or their representatives, but the dividends shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired; and if the said directors shall at any time knowingly make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, their heirs, executors, or administrators, or any of them, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest, within ten days thereafter, in a newspaper published and circulating in the county of Hudson.

Tax to be paid by company.

11. *And be it enacted*, That the said company shall pay into the treasury of this state one quarter of one per centum per annum on the capital stock paid in, to commence three years after the said company shall go into operation; which amount shall be paid in under the oath or affirmation of the president and secretary thereof.

Limitation.

12. *And be it enacted*, That this act shall continue in force for the term of twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one

thousand eight hundred and forty-six, so far as the same are applicable.

13. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved February 10, 1847.

AN ACT to repeal the act entitled, "An act to incorporate the Bank of Plainfield, in the county of Essex," passed March first, eighteen hundred and thirty-seven, and to appoint receivers to settle its business.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Bank of Plainfield, in the county of Essex," passed March first, eighteen hundred and thirty-seven, is hereby repealed, and all the powers and functions of said bank shall cease and be void; and the said company and its officers and agents are hereby enjoined from exercising any of the privileges or franchises granted by the act incorporating the said company, and from collecting or receiving any debts, or from paying out, selling, assigning, or transferring any of the estates, moneys, funds, lands, tenements, or effects of the said company. Charter repealed.

2. *And be it enacted*, That Joseph C. Hornblower, John S. Darcy, Joel Dunn, and Daniel Dodd, junior, are hereby appointed receivers or trustees for the creditors and stockholders of the said company, and are hereby invested with immediate legal control and possession of all the moneys, property, and effects, of every kind, of the said company; which receivers shall be invested with the same powers, perform the same duties, and be subject to the same restrictions and liabilities, as though they had been appointed by the chancellor, agreeably to the provisions of the act entitled, "An act to prevent frauds by incorporated companies," approved April fifteenth, eighteen hundred and forty-six: they shall make report to the court of chancery, take the same oath before entering upon the performance of their duties, and be, in all respects, subject to the control of the chancellor, as in the case of receivers appointed by virtue of said act; and any and all persons who shall in any way resist the lawful exercise of the authority of the said receivers, or shall do or perform any act contrary to any legal

order or direction, or do any thing contrary to the directions and provisions of this act, shall be subject to all the pains and penalties which they might or would be subject to, if such receivers had been appointed pursuant to the provisions of the before mentioned act; and the court of chancery is hereby invested with full power to carry out the provisions of this act.

Act, when
to take ef-
fect.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1847.

A further supplement to the act entitled, "An act to incorporate the city of Newark."

Members of
common
council to
be divided
into classes.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That on the second Monday in April next, each of the wards in said city shall proceed to elect four members of the common council, as is now provided by said charter; but at the first, or a subsequent meeting of the said common council after such election, the members elected shall proceed to divide themselves into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that, on the second Monday in April, of the year one thousand eight hundred and forty-eight, and every year thereafter, the said wards shall respectively elect two persons as aldermen of said ward, who shall hold such office for two years; and in case of the death, resignation, or other disability of any alderman, a person shall be duly elected to fill the unoccupied term.

Aldermen,
how elect-
ed.

Ordinances,
&c., to be
approved
by mayor.

2. *And be it enacted*, That whenever any by-law or ordinance, passed by the common council, and presented to the mayor for his approval, shall be returned by him, with his objections, to the common council, at the next regular or special meeting thereof, the said ordinance or by-law shall not become a law, unless passed by a vote of two-thirds of all the members of the common council.

Proceed-
ings in case
owners re-
fuse to pave,
&c.

3. *And be it enacted*, That if any lot, private alley, or passage way, in front whereof the side-walks shall, by any ordinance or regulation of the common council, be directed to be levelled, graded, paved, flagged, curbed, or gravelled, shall have no dwelling-house or other building thereon, and the owner or owners thereof shall neglect to comply with such ordinance

or regulation, for the space of one month from the time of its passage, it shall be lawful for the common council to cause the same to be done under the direction of the street commissioner, and the expense thereof, certified and sworn to by the street commissioner, and filed in the office of the city treasurer, shall be and remain a lien upon said lot, until the same shall be paid and satisfied; *provided*, that if the owner or owners of any lot, as above mentioned, shall be a nonresident, it shall be the duty of the street commissioner to give notice of such order or regulation, by advertising the same in two of the public newspapers printed in the city of Newark, describing, as near as may be, the lot or lots in front of which the said paving, curbing, flagging, gravelling, or grading is to be done, for the space of one month, after which he shall cause the said work to be done in the manner herein before provided; and to provide for the payment of the said expenses, the common council may, at their option, either bring an action on the case, in any court of competent jurisdiction, in the name of "the treasurer of the city of Newark," without specifying the individual name of the treasurer, against the owner or owners of such lot, for so much money laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence; and either party, from any judgment rendered therein, may have the same remedy, by appeal or otherwise, as if said parties were private individuals; or, having first advertised in two of the newspapers published in said city, for the space of two months, once at least in each week, giving notice of the time and place of sale, together with a particular description of the lot, and specifying the amount of money so laid out and expended on the same, may, at such time and place, sell, at public sale, the said lot, for the lowest term of years at which any person shall agree to take the same, and pay said expenses and such other expenses as may be incurred by said advertisement and sale, and shall give a declaration of such sale to the purchaser thereof, under the common seal of said city; and such purchaser, his executors, administrators, and assigns, by virtue thereof and of this act, shall lawfully hold and enjoy the same, for his and their proper use, against the owner or owners, and all persons claiming under him or them, until his term be fully completed and ended; *provided however*, that if the owner or owners, mortgagee or mortgagees, shall, within the space of one year after such sale, pay to the said purchaser, his executors, administrators, or assigns, the amount of money so by him paid to the common council, with legal interest and all reasonable expenses for fencing the same, in case it be done, then the said owner or owners, mortgagee or mortgagees, as the case may be, shall be entitled to re-enter and repossess the

said lot, in the same manner and to all intents, as if such sale had not been made.

Action for expenses not to affect title.

4. *And be it enacted*, That in any action to be brought before a justice of the peace against any person, to recover the amount of said expenses, the title to the premises shall not in any wise come in question; but it shall be a good defence to said action, that the defendant is tenant for years of said lot.

Street commissioner to keep record of notices, &c.

5. *And be it enacted*, That it shall be the duty of the street commissioner to keep a book, well bound, in which he shall record, under his oath of office, in fair hand and word for word, every notice which shall be served in pursuance of the requirement of this act, and of any ordinance that now is or may be passed hereafter in relation to said notice; and shall also note, at the bottom of said record, the time and manner of the service thereof, and sign his name thereto; which said book shall be received as full evidence of the notice, and the time and manner of the service thereof, and shall be delivered to his successor in office, to be kept by him in the same manner.

Surveys of streets, &c., to be made and recorded.

6. *And be it enacted*, That the said common council shall or may, whenever they deem expedient, cause surveys to be made, and the same to be filed in the clerk's office of the county of Essex, and recorded in the book of records of roads and highways for said county, of all such roads, streets, alleys, and public passage ways, as they shall think proper, which have been opened by the owner or owners of any land over which the same runs, and which has been by such owner or owners dedicated to the public, by permitting the public to use the same, and by selling lots fronting thereon, for the purpose of erecting dwelling-houses or other buildings along the same; and all such streets, roads, alleys, and ways, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained, and treated as such, in all respects.

Ward offices vacated for failure to qualify.

7. *And be it enacted*, That if any person elected to fill any office at the annual ward election, or to fill any vacancy in any city or ward office, shall not qualify according to law for the space of thirty days after such election, such office shall be deemed vacant, and shall be filled in the manner directed by the charter of said city; *provided nevertheless*, that it shall be lawful for the said common council themselves to proceed to fill any such vacancy, except the same has occurred in the office of mayor or alderman.

Vacancies, how filled.

Privileges of firemen.

8. *And be it enacted*, That if any fireman shall have served the period requisite to entitle him to the privileges extended to firemen by the charter of said city, or its supplements, such

fireman shall enjoy such privileges, although such fireman may have served such period at intermediate times.

9. *And be it enacted*, That any person or persons against whom judgment may be obtained before a police justice, for a violation of a city ordinance or ordinances, may have the right of appeal, in common with the city, to the higher courts, as in the case of civil suits before county magistrates. Persons aggrieved may appeal.

10. *And be it enacted*, That so much of the sixth section of the act entitled, "An act to incorporate the city of Newark," as provides for the election of one person to be recorder, and also so much of said act, or any supplement thereto, as is inconsistent with the provisions of this act, be, and the same are hereby repealed. Part of former act repealed.

11. *And be it enacted*, That this act shall take effect immediately upon the passage thereof. Act, when to take effect.

Approved February 10, 1847.

AN ACT to repeal part of act entitled, "An act to incorporate the Plainfield Mutual Assurance Fire Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the act entitled, "An act to incorporate the Plainfield Mutual Assurance Fire Company," passed February fifteenth, eighteen hundred and thirty-four, be, and the same is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1847.

AN ACT to divide the township of Manchester, in the county of Passaic, and to establish a new township, to be called the township of Wayne.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Manchester, in the county of Passaic, lying westerly of the following lines, to wit: beginning at the aqueduct across the Boundaries of township

Passaic river at the Little Falls; thence, running in a straight line, to the top of the Totawa mountain where the Onderdonk road intersects the road leading from Preakness to Paterson; thence, with the course of said mountain, to a large single rock on said mountain east of the house of Peter Zelfiff; thence, along said mountain, to the Paterson and Hamburg turnpike east of the Buckley House; thence, in a straight line, to the top of the High mountain; thence, with the course of said High mountain, to the line of Franklin township, shall be, and the same is hereby set off from the township of Manchester, and is hereby established into a new township, to be known by the name of "the township of Wayne."

Inhabitants
incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Wayne shall be, and they hereby are constituted a body politic and corporate, and shall be styled and known as "the inhabitants of the township of Wayne, in the county of Passaic," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Passaic are or may be entitled or subject to by the laws of this state.

First town
meeting.

3. *And be it enacted*, That the inhabitants of the said township of Wayne shall hold their first annual town meeting at the house now occupied by Henry Casey, in the township of Wayne, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Passaic.

Committee
to allot and
divide property.

4. *And be it enacted*, That the township committees of the townships of Manchester and Wayne shall meet, on the Monday next after their first annual town meetings, at the house now occupied by Henry Casey in the township of Wayne, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of the members of each committee, to allot and divide between the said townships all the property or moneys on hand or due, or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of said townships at the last assessment, and may adjourn the said meeting, from time to time, unto such time and place as a majority of those present may think proper; and the township of Wayne shall be liable to pay a just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their division, or a division of a majority of them, shall be final and conclusive.

5. *And be it enacted*, That George A. Ryerson, William

Colfax, and Richard Van Houten, or any two of them, shall be, and they are hereby appointed commissioners to run, survey, mark, and ascertain the several lines herein before mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment in the same manner, in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas of the county of Passaic, except, only, that it shall not be necessary for said commissioners to give notice of the time and place of meeting to perform the duties of their said appointment; and the charges and expenses of said commissioners shall be taxed and paid, as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Commissioners to survey lines

6. *And be it enacted*, That this act shall take effect on the day of holding the first annual town meeting of the said township of Wayne.

Act, when to take effect.

Approved February 10, 1847.

AN ACT relative to the distribution of the Revised Laws of this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the treasurer of this state forthwith to cause the statutes of this state, recently revised and published, after retaining two copies thereof for himself, as treasurer, to be distributed and delivered to the persons, for the uses, and in the proportions following, that is to say:

Treasurer authorized to distribute Revised Laws.

To the governor, or person administering the government of this state, two copies.

To each senator and representative of this state in congress, one copy.

To the secretary of this state, for the department of state of the United States, two copies.

For the executive of each state and territory within the United States, for the use of such state or territory, two copies.

To the emperor of Russia and the Paris Athenæum, each, one copy.

For the library of Princeton College, one copy.

For the library of Rutgers College, one copy.

For the library of Burlington College, one copy.

For the library of the New Jersey Historical Society and American Antiquarian Society, each, one copy.

Which copies said secretary shall transmit accordingly.

Of the residue, the said treasurer shall deliver to each member of the court of errors and appeals, &c., one copy.

To the revisors of said statute laws, the attorney general, the prosecutor of the pleas of each county, the secretary of state, of the Senate, and clerk of Assembly, of the court of chancery, and of the supreme court, each, one copy.

To the state librarian, to be by him kept and preserved for the use of the legislature, sixty copies.

To the New Jersey Law Library, two copies.

To the county collector of each county, such number as may be requisite to furnish each judge of the court of common pleas, and justice of the peace, appointed or elected since the second day of September, eighteen hundred and forty-four, to the magistracy of any incorporated city or borough in the county, the sheriff, surrogate, clerk of the court of common pleas, and clerk of the board of chosen freeholders, for the use of said board, and to the assessor, collector, overseer of the poor of each township, and clerk of each township, for the use of the township committee, one copy each.

Books to be
returned
on expira-
tion of term
of office.

2. *And be it enacted*, That it shall be the duty of the aforesaid judges and justices of the peace, sheriff, clerks, surrogate, assessor, collector, and overseer of the poor, within thirty days after the expiration of his or their term or terms of office, to deliver his or their copy or copies of said statutes to his or their successor or successors in office, or return the same to the aforesaid county collector.

Penalty for
not return-
ing books.

3. *And be it enacted*, That in case any of the aforesaid magistrates or officers shall, for the space of thirty days, refuse or neglect to make such delivery or return, he, for such offence, shall forfeit and pay ten dollars, to be recovered by action of debt, by the county collector, in his own name, in any court of competent jurisdiction.

Collector to
prosecute,
&c.

4. *And be it enacted*, That it shall be the duty of the collector of the county in which such offence shall happen, to prosecute the same to judgment and execution, and apply the moneys recovered thereon to the use of such county.

Treasurer
to retain re-
maining co-
pies.

5. *And be it enacted*, That the residue of the whole number of said Revised Laws shall remain in charge of the treasurer of this state, for the use of the state, and subject to future distribution.

Approved February 11, 1847.

AN ACT for the relief of Merriam Munson, of the county of Morris.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is authorized and required to pay to Merriam Munson, of the county of Morris, the widow of Josiah Munson, a Revolutionary soldier, or her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made the fourth day of March next; and the receipt of the said Merriam Munson shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved February 11, 1847.

AN ACT for the relief of James H. Trenchard, of Pittsgrove, in the county of Salem.

WHEREAS it is represented that Thomas Whitaker, late of the township of Pittsgrove, in the county of Salem, administrator of John Davis, late of said county, deceased, on the sixteenth day of August, eighteen hundred and forty-three, by virtue of an order of the orphans' court of said county, did sell, at public auction, to James H. Trenchard, for the sum of eighty-five dollars, a certain tract of land, of which said John Davis died seized, situate in the township aforesaid, containing five acres, and which was conveyed to said John Davis by deed from Lewis Woodruff, James B. Potter, and Robert B. Potter, dated February second, eighteen hundred and thirty-eight; and that said sale was duly reported by said administrator to the orphans' court of said county, and by said court duly confirmed, and a deed ordered to be made to said James H. Trenchard; and that the money was paid by said Trenchard to said administrator, and by him accounted for in the settlement of said estate; but that, by reason of the sickness and death of said Thomas Whitaker, no deed was ever made for said land to said James H. Trenchard; and that Deborah S. Whitaker is the administratrix of said Thomas Whitaker, deceased—therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the said Deborah S. Whitaker,

Administratrix authorized to make deed.

administratrix of said Thomas Whitaker, deceased, is hereby authorized, in fulfilment of the said sale, to make a deed for the said tract of land to the said James H. Trenchard; and that the same shall convey and assure the said tract of land to the said James H. Trenchard, his heirs and assigns, to all intents and purposes, the same as if a deed therefor had been made by said Thomas Whitaker, deceased, in his lifetime, in pursuance of the order of the orphans' court aforesaid.

• Act, when
to take ef-
fect.

2. *And be it enacted*, That this act shall take effect upon the passage thereof.

Approved February 11, 1847.

AN ACT to make taxes a lien on real estate in the township of Elizabeth, in the county of Essex, and to authorize the sale of the same, for the payment thereof.

Taxes to
bear inter-
est.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all taxes hereafter assessed in the township of Elizabeth, in the county of Essex, shall bear interest, at the rate of six per centum per annum, from and after the twentieth day of December next after the assessment thereof, and shall be collected in like manner as prescribed by the act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Lands to be
assessed in
names of
owners.

2. *And be it enacted*, That it shall be the duty of the assessor of said township, in making his assessments as now provided by law, to assess all lands, tenements, hereditaments, and real estate, in the names of the owners thereof, respectively, and to designate the same by some short description, as will be sufficient to ascertain the location and extent thereof.

Taxes to be
a lien on
real estate.

3. *And be it enacted*, That any assessment of taxes hereafter made in the said township against any person or persons, on account of any lands, tenements, hereditaments, or real estate of such person or persons, shall be and remain a lien on all the lands, tenements, hereditaments or real estate on account of which said assessment shall be made as aforesaid, with the lawful interest thereon accruing, and all costs and fees in relation to said assessment, and collection thereof, for the space of two years from the time when the taxes, so as aforesaid assessed, were payable.

4. *And be it enacted*, That in case any assessment of taxes, ^{Lands may be sold for taxes.} as specified in the last preceding section, together with the interest thereon, and costs and fees aforesaid, shall remain unpaid for the space of one year after the said taxes were payable, then, and in every such case, it shall and may be lawful for the township committee of the said township, or any three of them, to issue their warrant, under their respective hands and seals, directed to any constable of the said township, therein and thereby commanding him to make said taxes, with the interest and costs and fees, as aforesaid, of the lands, tenements, hereditaments, or real estate on account whereof the same were assessed as aforesaid, and of which the assessor's description shall be therein set forth, by selling the same, or any part thereof, as will be sufficient for that purpose, for the shortest term for which any person or persons will agree to take the same and pay such taxes, with the interest thereon, and all costs, fees, charges, and expenses; *and further*, directing the said constable to pay the money or moneys raised by such sale to the said township committee of said township, and to make return of said warrant, and his proceedings thereunder, to said township committee of said township, to be filed by the clerk of said township among the other papers of said township.

5. *And be it enacted*, That the warrant specified in the last preceding section shall, before the execution thereof, be recorded by the clerk of said township, in a book to be provided for that purpose; which said record thereof shall be received as evidence in the several courts of this state. ^{Warrant to be recorded.}

6. *And be it enacted*, That it shall and may be the duty of the constable to whom such warrant shall be directed, as above specified, before he sells by virtue thereof, to give notice of the time and place of the sale of any lands, tenements, hereditaments, or real estate, under this act, by advertisement, signed by said constable, and inserted in a newspaper printed and published in said township, for at least sixty days, once in each week, before the time appointed for such sale; and, also, set up for the same period, in five of the most public places in said township, one of which shall be at or near the lands, tenements, hereditaments, or real estate to be sold; *provided however*, such sale may be adjourned from time to time, not exceeding ninety days in the whole. ^{Sales to be advertised.}

7. *And be it enacted*, That it shall and may be lawful for the said constable, to whom such warrant shall be directed, at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands, ^{Proceedings in case of sale.}

tenements, hereditaments, or real estate, as may be set forth in said warrant, or any part thereof, to such person or persons as will agree to take the same for the shortest term, and pay such taxes as may be assessed, as aforesaid, on account thereof, and the interest thereon, and all costs, fees, charges, and expenses, and thereupon to execute and deliver to any such person or persons a deed for the same, under his hand and seal; and such person or persons, and his, her, or their legal representatives, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, hereditaments, or real estate, during the term for which he, she, or they shall have purchased the same, for his, her, or their own proper use and benefit, against the owner or owners thereof, and all and every person or persons claiming under him, her, or them, until said term shall be fully completed and ended; and shall be at liberty, at or before the expiration of said term, to remove any building or buildings, and materials, erected and placed by him, her, or them thereon; and when said term shall have been ended, shall peaceably and quietly yield up the same to the lawful owner or owners thereof, in as good condition as when he, she, or they took possession of the same, damage resulting from ordinary use and the elements excepted.

Mistake in name of owner not to invalidate assessment.

8. *And be it enacted*, That notwithstanding any mistake in the name or names of the owner or owners, or omission to name the real owner or owners of any lands, tenements, hereditaments, or real estate, in the said township, in assessing the taxes on account thereof, as aforesaid, such assessment shall be valid and effectual in law against said lands, tenements, and hereditaments, or real estate; and the same may be proceeded against and sold, in the manner prescribed herein.

Fees of officers.

9. *And be it enacted*, That the constable to whom such warrant, as aforesaid, shall be directed, shall be entitled to receive the sum of one dollar for executing the same, and, in addition thereto, two cents on each dollar by him collected and paid over to the township committee of said township; for advertising the sale of any lands, tenements, hereditaments, or real estate, for each delinquent, the same fees which the sheriffs of the counties are entitled to for the like services; and for a deed to the purchaser, the sum of two dollars; and the township committee of said township shall be entitled to receive for said warrant the sum of fifty cents; and the clerk of said township, for recording and filing said warrant, shall be entitled to receive the sum of twenty-five cents.

Act, when to take effect.

10. *And be it enacted*, That this act shall take effect immediately.

Approved February 11, 1847.

AN ACT for the relief of Anna Atkinson, of the county of Cape May.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is authorized and required to pay to Anna Atkinson, of the county of Cape May, the widow of Isaac Atkinson, a Revolutionary soldier, or her order, the sum of fifty dollars per annum, during her natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made the fourth day of March next; and the receipt of the said Anna Atkinson shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved February 11, 1847.

An additional supplement to an act entitled, "An act to incorporate the New Jersey, Hudson, and Delaware Railroad Company," passed the eighth day of March, one thousand eight hundred and thirty-two.

1. **BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,** That it shall and may be lawful for the New Jersey, Hudson, and Delaware Railroad Company to commence the construction of any of the lateral roads authorized by the act to which this is a supplement, at any point or places in the counties of Sussex or Warren, without extending the said lateral roads to the Delaware river; and that the said company shall be invested with the same privileges, and subject to the same liabilities, in the survey, laying out, and construction of any such lateral roads, and in the use and enjoyment thereof, as the said corporation is entitled and subject to, without any forfeiture of the act of incorporation, by reason of not commencing or completing all the road or roads authorized by said act in the time prescribed; and that the period limited by the act to which this is a supplement, for the commencement and completion of the said road or roads, shall be computed from the passage of this supplemental act.

2. *And be it enacted,* That this act shall take effect immediately.

Approved February 11, 1847.

A further supplement to an act entitled, "An act securing to mechanics and others payment for their labour and materials in erecting any house or other building within the limits therein mentioned," passed February twenty-fifth, eighteen hundred and twenty.

Writs may
be issued
on liens
filed in
Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful to issue a writ or writs of scire facias, either out of the circuit court or inferior court of common pleas of the county of Camden, upon any lien heretofore filed, or hereafter to be filed and recorded, in pursuance of the act, and the supplements thereto, to which this is a further supplement thereto; *provided*, this act shall not affect any suit or action now pending in either of said courts.

Act, when
to take ef-
fect.

2. *And be it enacted*, That this act shall take effect immediately.

Approved, February 4, 1847.

AN ACT respecting the signing of judgments.

Preamble. WHEREAS it is suggested to the legislature that there are a number of judgments in the supreme court and in the circuit court of this state, and in the courts of common pleas of the several counties of this state, which have been rendered and recorded, but which have not been signed by any of the justices or judges of the said courts, respectively; and that in many instances there are no persons in office, as justices or judges of the said courts, respectively, who were justices or judges thereof at the time such judgments were rendered—therefore, to avoid all question in relation to such judgments,

Judges and
justices au-
thorized
to sign judg-
ments in
certain ca-
ses.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the justices of the supreme court, and the judges of the circuit court of this state, and the judges of the courts of common pleas in the several counties of this state, for the time being, shall be, and they are hereby authorized to sign all judgments, in their respective courts, that have been or may hereafter be recorded in their said courts, respectively; and such judgments, so signed by any one of the said justices or judges now in office, or that may hereafter be in

office, though not in office at the time of rendering such judgments, shall be as good and effectual in law as if such judgments had been rendered and recorded, and signed, by a justice or judge who was in office at the time of rendering, recording, and signing the same.

Approved February 16, 1847.

AN ACT for the better security of mechanics and others erecting buildings, and furnishing materials therefor.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That any person who shall hereafter, by virtue of any contract with the owner thereof, or his agent, or any person who, in pursuance of an agreement with any such contractor shall, in conformity with the terms of the contract with such owner or agent, perform any labour, or furnish materials in building, altering, or repairing any house or other building, or appurtenances to any house or other building, in the city of Newark, in the townships of Elizabeth and Rahway, in the county of Essex, and the townships of Woodbridge and South Brunswick, in the county of Middlesex, shall have a lien for the value of such labour and materials upon such house or building and appurtenances, and upon the lot of land on which the same stands, to the extent of the right, title, and interest, at the time existing, of such owner, in the manner and to the extent hereinafter mentioned; but the aggregate of all the liens authorized by this act to be created, for the labour performed and materials furnished in building, altering, or repairing any house or other building or appurtenances, shall not exceed the price stipulated in the contract with such owner, or his agent, to be paid therefor; and such owner shall not be obliged to pay for or on account of such house, building, or appurtenances, any greater sum in amount, or at a different time, than the price so stipulated and agreed to be paid therefor, in and by such contract; and if the aggregate of liens shall exceed such sum or amount, the same shall be applied to the proportion of the amount of the several liens.

2. And be it enacted, That the person performing such labour or furnishing such materials shall cause to be drawn up specifications of the work by him contracted to be performed, or materials to be furnished, and stating the price or prices

agreed to be paid therefor, and shall file them, or if there be a contract, a true copy thereof, if the same be in writing, in the office of the clerk of the county in which the lien is created, and serve a notice thereof, personally, on such owner, or his said agent, within fifteen days after the making of such contract, or after commencing such labour or the furnishing said materials; the said clerks shall provide and keep a book which shall be called "the Mechanics' and Labourers' Lien Book," in which they shall enter, alphabetically, the names of the owners, and, opposite to them, the names of contractors or labourers, or other person claiming a lien, and the lot and street on which such work is to be done, or materials furnished, at the time of filing such specification or a copy of such contract; and if the said specification or copy of contract shall not be filed, and notice served as above provided, the said lien, and all claim thereby, shall be for ever barred and excluded from the benefits of this act; the said clerk's shall receive for their services required by this section, the sum of eighteen cents.

Lien, when to commence and terminate,

3. *And be it enacted*, That the lien, so created by this act, shall take effect from such filing and such service of the said notice, and shall continue in full force for the space of six months after the completion of said building, unless discharged, as hereinafter provided; and such lien may be discharged on such docket at any time by said clerk, on the production to, and filing with him of a certificate, signed by the contractor or labourer, or other person claiming such lien, that the claim for which such lien was created is satisfied and discharged; which certificate shall be acknowledged or proved in the same manner as deeds are required to be acknowledged or proved, to entitle the same to be recorded, and upon paying the clerk the same fees as for filing other papers and entering satisfaction of judgments.

Remedy in cases of refusal to pay demand.

4. *And be it enacted*, That any contractor or labourer, or any person furnishing materials, in pursuance of any contract made by such contractor with such owner, or his agent therefor, or any person in whose favour a lien has been created by this act, after such labour has been performed, or materials furnished, and payment for the same has become due, and the said owner, after demand made, shall refuse to pay the same, may enforce or bring such lien to a close, by action or suit at law, in any court of competent jurisdiction in the county in which the lien is created; and if the sum claimed shall be one hundred dollars, or under, the action shall be in the court for the trial of small causes, before any justice of the peace in said city, or in the townships, respectively, in which the lien is created; and the suits shall be conducted, and like proceedings had, in all respects, as in other cases; and if the action

shall be for a sum exceeding one hundred dollars, it may be prosecuted, as in other cases, to judgment and execution, and a sale made of the house or building and appurtenances, and lot of land, on which the lien was created, as in other cases of sale of land by virtue of judgment and execution; and if judgment shall be recovered in the court for the trial of small causes, and no appeal be demanded, or other proceedings had upon said judgment, the party recovering may file a transcript of said judgment, under the hand and seal of the said justice, in the office of the clerk of said county, with an affidavit of the claimant, that the said judgment is unsatisfied; and thereupon, the said clerk shall docket and record the said judgment, as in other cases, and execution may issue thereon; and the said judgment and execution shall have the same force and effect as in other cases, and the said house or other building, and lot of land, upon which the same is a lien, may be sold, as is provided for the sale of land upon judgment and execution; but no priority shall be given to such judgment and execution over other liens, but the said house or building and appurtenances, and lot of land, or the avails thereof, over and above all prior encumbrances, if any, shall be for the equal benefit of all persons who have obtained a lien, and have a just and legal claim thereon by virtue of this act, in the proportions mentioned in the first section thereof; but nothing in this act contained shall authorize the claimant to recover or receive any greater sum or amount than he is justly and by law entitled to, and the like costs and fees, as near as may be, shall be recovered, as in other cases, in the said several courts.

• 5. *And be it enacted*, That if any dispute shall arise between the parties in whose favour a lien is created by this act, as to the amount which shall be due to said claimants, or either of them, the said parties shall take measures, within fifteen days after the lien shall take effect, or the claim shall be due, to settle the same by suit at law or otherwise, and bring the same to a close without delay, or be for ever debarred of the benefits of said lien; and the owner or owners of said house or other building, and lot of land, upon which said lien rests, may be relieved therefrom, by paying the amount of money which, by contract, he or they are legally bound to pay, making a rebate of interest for the time unexpired, if by the contract the same should not be due, to the clerk of the county in which the lien is created, who shall receive and retain the same until the rights of the claimants shall be finally settled; and upon satisfactory evidence of such settlement, the said clerk shall pay to the claimant or claimants the amount which he or they shall be entitled to receive, in whole or part, as provided in the first section of this act, deducting from said de-

Proceed-
ings in cases of dis-
puted am't.

posit one per centum for his services for receiving and paying the same, and the surplus, if any, shall be paid to the depositor; and the certificate of such deposit shall be a bar to all suits or actions against the said owner or depositor by the claimants aforesaid; and upon such payment to the said clerk, as aforesaid, the said lien shall cease and determine, and the premises subject thereunto for ever discharged therefrom, and satisfaction shall be entered on the docket aforesaid.

Lien to be
created on-
ly for la-
bour done.

6. *And be it enacted*, That any person performing such labour, or furnishing such materials in pursuance of any agreement made by him with the original contractor with such owners, or his said agent, who shall have done the acts prescribed by the second section of this act, to create a lien therefor, shall have a lien for only such labour as shall be performed, and for only such materials as shall be furnished subsequently thereto.

Approved February 16, 1847.

AN ACT for the relief of Martha Tingley, of the county of Morris.

\$30 per an-
num to be
paid to M.
Tingley.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is authorized and required to pay to Martha Tingley, of the county of Morris, the widow of Lemuel Tingley, a Revolutionary soldier, or her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made the fourth day of March next; and the receipt of the said Martha Tingley shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved February 16, 1847.

AN ACT for the relief of Elenor Ross, of the county of Morris.

\$30 per an-
num to be
paid Ele-
nor Ross.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is authorized and required to pay to Elenor Ross, of the county of Morris, the widow of John Ross, a Revolutionary soldier, or

her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made the fourth day of March next; and the receipt of the said Elenor Ross shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved February 16, 1847.

AN ACT to incorporate the Trenton Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Cooper, James Hall, Edward Cooper, and Abram S. Hewitt, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Trenton Iron Company," for the purpose of manufacturing iron and other commodities and articles of which iron forms a constituent part, and for the transaction of such business as may be properly connected therewith; and may raise by subscription, a capital not exceeding five hundred thousand dollars, in shares of one hundred dollars each; and that the mills and manufactories of the said company shall be located in the borough of South Trenton, and county of Mercer; but it may, nevertheless, be lawful for the said corporation to manufacture or procure the raw material used in the said mills, at such points and places as the said corporation shall deem most advantageous.

Names of corporators
Style and general powers.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess, and enjoy any such real estate, water power, water privileges, machinery, goods, effects, and chattels, whatsoever, as shall seem good to the said corporation to carry on its said business; and whenever it shall see fit, the said corporation may sell, mortgage, lease, and otherwise dispose of the same at pleasure.

What real estate may be held.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to issue unto the said Peter Cooper and his associates, two thousand five hundred full paid shares of the capital stock of the said corporation, on receiving from the said Peter Cooper, or his successors, a full conveyance of the property, situated in the borough of South Trenton, and county of Mercer, now known as "the Trenton Iron Works," together with all the fixtures and machinery therein contained, and the water power and water privileges now held by

Stock to be issued on conveyance of property.

the said Peter Cooper, jointly with the Trenton Water Power Company, and the basins and outbuildings attached to the said works; *provided always*, that the said property shall be conveyed unto the said corporation free and clear of any encumbrance, judgment, or lien whatsoever, so that the said corporation shall enter upon the possession of the said property entirely free from debt; and, as soon as the capital of two hundred and fifty thousand dollars shall be thus subscribed and invested, of which facts and affidavit shall be made by two or more of the directors of the said corporation, and filed in the office of the secretary of state, it shall and may be lawful for the said corporation to commence and carry on its said business under the provisions of this act, and to erect, maintain, and keep up a wharf in the rear of the said works on the river Delaware; *provided*, the rights of navigation and other common rights are not injuriously affected thereby.

Books of subscription may be opened.

4. *And be it enacted*, That in case it should not seem good to the said corporation to purchase, or to the said Peter Cooper to convey, the whole of the property in the last section enumerated, it shall and may be lawful for the associates named in the first section of this act, or a majority of them, at such time and place as they shall select, to open books of subscription to the capital stock of the said corporation; and whenever the sum of one hundred thousand dollars shall have been subscribed, and actually paid into the treasury of the said corporation, and an affidavit thereof, made by two or more of the directors of the said corporation, shall be filed in the office of the secretary of state, it shall and may be lawful for the said corporation to commence and carry on its said business under the provisions of this act.

Capital stock may be increased.

5. *And be it enacted*, That the said corporation may, by a vote of the stockholders thereof, from time to time increase its capital stock, until it reaches the sum of five hundred thousand dollars; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as the said directors shall see fit, under the pain of forfeiture of their shares, and all previous payments thereon, to the said corporation, the said stockholders being notified at least thirty days previous to the time of payment of each instalment; and at each increase of capital, an affidavit thereof shall be filed in the office of the secretary of state, as before; and the capital stock of the said corporation shall be deemed personal estate, and be transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, or upon any pretence whatever, be divided among the stockholders for dividends; neither shall

it be withdrawn or refunded to the stockholders until all debts and liabilities of the company are fully paid, and an affidavit thereof, and of the amount of capital proposed to be withdrawn or refunded to the said stockholders, filed in the office of the secretary of state; and each stockholder shall, in all questions submitted to the said stockholders, and in all elections, be entitled to one vote for every share he holds in the stock of the said corporation, which vote he may cast in person or by proxy; and all matters before the said stockholders shall be decided by a majority of votes cast.

6. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by not less than three, nor more than nine directors, one of whom the said directors shall appoint their president; that the said directors shall be stockholders in the said company, and shall hold their offices for one year and until others shall be chosen to fill their places; they shall be elected at the annual meeting of the stockholders, to be held on the first Monday in August, at such hour of the day and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place, the associates named in this act, with such other persons, being stockholders, as they shall see fit to appoint, shall be the directors of the said corporation; a majority of the directors shall, on all occasions when assembled at such place as the by-laws shall prescribe, constitute a board competent to the transaction of business; and all questions before them shall be decided by a majority of votes; and in case any vacancy shall happen in the office of director, by death, resignation, or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Time and mode of annual election of directors.

7. *And be it enacted*, That the said directors shall submit to the stockholders, at their regular annual meeting, a written statement of the affairs of the said company, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, as nearly as the same can be ascertained, and shall accompany the same by an oath or affirmation that the same is correct, to the best of their knowledge and belief.

Directors to make annual statement.

8. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day designated for that purpose, the said corporation shall not be deemed dissolved; but the stockholders may proceed to hold an election on any other day, due notice being given of the time and place of such election.

Corporation not dissolved for failure to elect on day prescribed.

Books of
account
and trans-
fer to be
kept.

9. *And be it enacted*, That regular books of account shall be kept in the office of the said company, in the city of Trenton or the borough of South Trenton, to which books any stockholder may have free access at all reasonable hours for the purpose of inspection; and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of said stock, in all elections and other matters submitted to the decision of the stockholders of the said corporation.

Limitation.

10. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Act may be
repealed.

11. *And be it enacted*, That the legislature may at any time hereafter modify, alter, or repeal this act.

Approved February 16, 1847.



AN ACT to authorize the making of a road or causeway in Elizabethtown Great meadows, leading from the Great island to Oyster creek.

Commis-
sioners to
lay out road

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Jonathan Townley, Joseph Cross, John B. Meeker, Abraham A. Mulford, and James C. Baker be, and are hereby appointed commissioners, with full power to locate, lay out, and make, or cause to be made, from the east end of the Great island to Oyster creek, at the bend thereof, in the Elizabethtown Great meadows, in the county of Essex, a road or causeway, with such ditches and bridges as they may deem necessary.

Commis-
sioners to
assess ex-
pense of
road on
owners of
land.

2. *And be it enacted*, That the said commissioners, and a majority of them, shall have full power to assess and collect from the owners of the meadows adjacent to the said causeway, in proportion as they may be benefited by the said road or causeway, ditches, and bridges, such amount as will be sufficient to pay the expenses of making such road or causeway, ditches, and bridges, together with a reasonable compensation to the said commissioners for their services; and the owner and owners of meadow adjacent to said road or causeway and bridges, or who may use the same, are hereby enjoined and required to

give to the said commissioners a true and correct statement of the number of acres of meadow by them owned, respectively, under the same penalty as in case of a tax to be levied; and it shall be the duty of said commissioners, after apportioning to each owner of meadow, respectively, the amount of their assessment, to give them notice thereof; and the said commissioners are hereby authorized and empowered to collect said assessments, and enforce the payment thereof, when refused, in the manner hereafter prescribed.

3. *And be it enacted*, That in case any owner or owners of said meadow shall neglect or refuse payment of the assessments levied upon the meadow by them respectively owned, for the space of thirty days after they shall have been notified of the amount, the said commissioners are hereby authorized and required to cite such owner or owners, so neglecting or refusing to pay, before any justice of the peace of the county of Essex (not interested in the said road or causeway, bridges, ditches, or meadow); and the said justice of the peace is hereby authorized and required to judge of the amount of assessment so assessed, and shall have discretionary power to rate the same lower; and for so much as he shall rate the same at, he shall forthwith issue execution, to be levied upon the goods and chattels of the delinquents, with costs of suit.

Proceedings in case of refusal to pay assessment.

4. *And be it enacted*, That the said commissioners shall keep just and true accounts of the moneys by them received and expended in pursuance of this act, which accounts shall be open to the inspection of all the persons interested; and the said commissioners shall be accountable to the persons assessed for any balance remaining in their hands, and shall cause the same to be laid out from time to time, if wanted, in repairs upon the said road, bridges, and ditches; and if the said commissioners should at any time neglect or refuse to exhibit their accounts to any of the persons who have been assessed, any three or more of the persons so assessed may apply to a justice of the peace of the said county, not interested as aforesaid, stating their complaint; and it is hereby made the duty of the said justice of the peace to summon said commissioners before him, with their accounts properly authenticated, and to decide on all matters in dispute between said parties, on the principles of equity and justice.

Commissioners to keep account of moneys expended.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall have as full and ample power to keep the said road, bridges, and ditches in repair, as they have by this act to make the same.

Commissioners authorized to keep road in order.

6. *And be it enacted*, That upon the death of either of the above named commissioners, the survivors or survivor of them

Vacancies, how filled.

shall have full power to receive, and, if necessary, to sue for any moneys that may have been in the hands of the deceased commissioner at the time of his death, on account of the above trust, and for the use and purposes of the same; and, also, it shall be the duty of the said survivors or survivor, whenever any vacancy or vacancies shall have occurred, by advertisement three weeks in any newspaper having a general circulation in the townships of Union and Elizabeth, to require a meeting of those interested in said road or causeway, at a time and place in the township of Elizabeth, mentioned in the said advertisement, to choose, by a majority of votes of those interested who may attend, a commissioner or commissioners to fill the vacancy or vacancies which may have occurred; and the commissioner so chosen shall have the same powers, and be subject to the same regulations, as the commissioners named in this act have and are subject to.

Approved February 16, 1847.

AN ACT for the relief of Hannah Miller, of the county of Essex.

\$50 per annum to be paid to H. Miller.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is hereby authorized and directed to pay to Hannah Miller, widow of Eleazer Miller, a soldier of the Revolutionary war, or her order, fifty dollars per annum, during her natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made on the fourth day of March, eighteen hundred and forty-seven.

Approved February 18, 1847.

AN ACT to set off from the townships of Shrewsbury, Freehold, and Middletown, in the county of Monmouth, a new township, to be called the township of Atlantic.

Boundaries of township.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all that part of the townships of

Shrewsbury, Freehold, and Middletown, in the county of Monmouth, lying within the following boundaries, that is to say: **beginning** at the southwest corner of the township of Shrewsbury, where the Freehold, Shrewsbury, and Howell township lines meet; thence running northerly, until it comes to the mouth of the road that leads through Jacob Conover's farm; thence northerly, following the middle of said road, until it comes to the road near — Hulse's house, which road leads to John J. Ely's mills; thence easterly, following the middle of said road, until it strikes Middle Hop brook; thence easterly, down said brook, its various courses, until it comes to Swimming river bridge; thence southerly, along the middle of the main road leading to Tinton Falls, until it comes to Haggerty's corner; thence southerly, until it strikes the Tinton Falls mill-pond brook; thence up the said brook, its various courses, until it comes to Pine brook; thence up the said Pine brook, until it strikes the Howell township line; thence westerly, along the line dividing the townships of Howell and Shrewsbury, to the Freehold line, the place of beginning, is hereby set off from the said townships of Shrewsbury, Freehold, and Middletown, and erected into a separate township, to be called and known by the name of "the township of Atlantic."

2. *And be it enacted,* That the inhabitants of the said township of Atlantic are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Atlantic, in the county of Monmouth;" shall be vested with, and entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Monmouth. Inhabitants incorporated.

3. *And be it enacted,* That the inhabitants of the township of Atlantic shall hold their first annual town meeting at the public house now kept by Samuel Laird, in the village of Colt's Neck, on the day appointed by law for holding the annual town meetings in the other townships of the county of Monmouth, and afterwards at such places in the township of Atlantic as the said inhabitants shall determine, in the manner prescribed by law. First town meeting.

4. *And be it enacted,* That all paupers who may be chargeable to the said townships of Shrewsbury, Freehold, and Middletown, at the time when this act shall go into operation, shall hereafter be chargeable to and supported by that township within the bounds of which they have acquired their settlements, respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements; Settlement of paupers.

and all persons whose present settlements are in the said townships of Shrewsbury, Freehold, and Middletown, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Atlantic, Shrewsbury, Freehold, and Middletown, within the bounds of which they respectively resided at the time of acquiring their settlements.

Property of township, how divided.

5. *And be it enacted*, That all the real and personal property now belonging to the said township of Shrewsbury, shall hereafter belong to the said townships of Atlantic and Shrewsbury, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of the said township at the last assessment, and shall be owned and held by them in common; all the real and personal property now belonging to the township of Freehold, shall hereafter belong to the townships of Atlantic and Freehold, in the same proportion and manner as above mentioned and described; and all the real and personal property now belonging to the township of Middletown, shall hereafter belong to the townships of Atlantic and Middletown, in the same proportion and manner as above mentioned and described.

Town committees to allot and divide property.

6. *And be it enacted*, That the township committees of Atlantic, Shrewsbury, Freehold, and Middletown shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at the house of Samuel Laird, in the village of Colt's Neck, in the said township of Atlantic, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand, due, or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of the said townships at the last assessment; and shall also ascertain and determine which of the paupers now supported by the townships of Shrewsbury, Freehold, and Middletown shall have their residence in that part of said township hereby set off as the township of Atlantic, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Atlantic shall be liable to pay her just proportion of the debts, if any there be, and to support and maintain the paupers so allotted to the said township of Atlantic; and if any of the members of the said township committees shall neglect or refuse to meet as aforesaid, those present may proceed to make such division, and their decision, or a decision of a majority of them, shall be final and conclusive.

7. *And be it enacted*, That the township committee of the

said township of Atlantic shall have power, and they are hereby Committee to sell property.
authorized and empowered to sell and release to the said town-
ships of Shrewsbury, Freehold, and Middletown, respectively,
all the right, share, and interest of the said township of Atlan-
tic in and to the property, both real and personal, now belong-
ing to the said townships, respectively, or any part thereof, for
such sum or sums as may be agreed upon by the committees
of the township interested, and to make and deliver good and
sufficient deed or deeds for the same.

8. And be it enacted, That nothing in this act contained Right of Atlantic to surplus revenue.
shall be construed to impair or in any wise affect the rights of
the said township of Atlantic in and to any portion of the sur-
plus revenue of the general government, to which the said
township may now, or at any time hereafter be entitled in the
distribution of said surplus revenue.

9. And be it enacted, That this act shall take effect and Act, when to take effect.
go into operation immediately after the passage thereof.

Approved February 18, 1847.

AN ACT to incorporate the Newark Library Association.

WHEREAS the persons hereinafter named, and others, have Preamble.
formed themselves into an association, under the name and
title of "the Newark Library Association," the object of
which association is the establishment of a library, with all
proper conveniences and appurtenances, and the erection of
a suitable edifice for its accommodation, with a view to ad-
vance the interest of learning generally, and to instruct and
better educate the youth of the city of Newark in science,
literature, and the arts; and whereas the said association is
desirous of an act of incorporation, that its purposes may be
more effectually subversed—therefore,

1. BE IT ENACTED by the Senate and General Assembly of Names of corporators
the State of New Jersey, That William Rankin, Samuel I.
Prime, William A. Whitehead, Jacob D. Vermilye, John H.
Stephens, James B. Pinneo, John Chadwick, William R. Ins-
lee, Beach Vanderpoel, Jeremiah C. Garthwaite, Frederick T.
Frelinghuysen, William B. Kinney, and Samuel Meeker, and
all and every other person or persons who are or may become
their associates, their successors and assigns, shall be, and are
hereby incorporated by the name of "the Newark Library Style.

Association," and by that name shall be a body corporate and politic, and shall be for ever hereafter capable to hold, receive, by donation or otherwise, purchase, lease, and convey real and personal estate; *provided always*, that the yearly income of such real and personal estate do not, at any time, exceed the sum of ten thousand dollars.

Amount of
capital.

2. *And be it enacted*, That the capital stock of the said corporation shall not exceed fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, the said association having the power to commence operations as soon as the sum of fifteen thousand dollars is subscribed.

Election of
directors.

3. *And be it enacted*, That on the first Wednesday after the first Monday in January, in the year of our Lord one thousand eight hundred and forty-eight, and annually thereafter, an election shall be held, at a general meeting of the stockholders, for thirteen of their number, as directors for the ensuing year; and that each stockholder present at such election shall have one vote for each share of stock he may hold, if not more than five, and one vote for every additional five shares; and those persons having a majority of all the votes thus cast shall be deemed elected, but no stockholder shall be allowed to vote whose dues to the association are not fully paid; and that the persons above particularly named as corporators, shall constitute a board of directors until others are elected; and that, in case an election shall not be made on the day appointed by this act, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on some other day, not more than six weeks after the time herein appointed for the annual election; and the directors at any time in office, shall hold their offices until others are elected; and in case of the death, resignation, or removal of any director, the vacancy occasioned thereby shall be filled, for the remainder of the term, by a vote of a majority of the board of directors; three inspectors for the annual election, shall be appointed by the directors, from stockholders who are not directors.

Directors to
elect presi-
dent and
vice presi-
dent.

4. *And be it enacted*, That the directors shall choose from among themselves a president and vice president, and either from among themselves, or from among the stockholders generally, a secretary and a treasurer, whose duties shall be performed gratuitously; and the directors shall have authority to appoint a librarian and such other officers as may be necessary, to establish regulations and restrictions, which shall be binding both upon stockholders and others in the use of the books, and in the enjoyment of the privileges and objects of the association; and seven directors of the corporation shall constitute a quorum competent to do all business, excepting such business

as, by the requirements of this act or any by-law of the association, shall require more than seven to perform.

5. *And be it enacted*, That all instalments now due, or that may at any time be due from stockholders, on the share or shares by them respectively held, shall be paid at such times as the directors for the time being shall appoint; and the nonpayment of such instalments by the stockholders, after due notice, shall, if the board of directors so determine, either work a forfeiture of all previous payments; and the stock upon which such instalments shall not be paid, as aforesaid, shall revert to the association, and be by them sold for the benefit of the association, or the board of directors may take legal measures to enforce the payments of such sum or sums as may at any time be due on their stock. Shares forfeited for nonpayment.

6. *And be it enacted*, That the capital stock of the said association shall be deemed personal property, and that the shares of stock shall be transferable only on the books of the association, under such regulations as the board of directors may prescribe. Stock transferable.

7. *And be it enacted*, That no state, county, city, township, or other public assessments, taxes, or charges, whatsoever, shall at any time be levied or imposed upon the said association, or upon the stocks and estates which may become vested in them under this act, other than their lands and tenements. Corporation not to be taxed.

8. *And be it enacted*, That this corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, as far as the same are applicable. General powers.

Approved February 19, 1847.

AN ACT to incorporate the Trenton Gas Light Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Xenophon J. Maynard, Gregory A. Perdicaris, John A. Weart, Jesper Harding, and Joseph C. Potts, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corpo- Names of incorporators

Style of incorporation.

rate in fact, by the name of "the Trenton Gas Light Company;" and, by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situated in Trenton and South Trenton; and to enter into and execute contracts, agreements, or covenants in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold, for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owner or owners thereof.

Company authorized to lay down pipes.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues, or public grounds of Trenton and South Trenton, and to do all things necessary to light the said city of Trenton and South Trenton, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes, and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Xenophon J. Maynard, Gregory A. Perdicaris, John A. Weart, Jesper Harding, and Joseph C. Potts are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of the said corporation, in shares of twenty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the city of Trenton, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie,

or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners at the time of subscription shall, by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of Mercer county; and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after thirty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and, at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Monday in June, eighteen hundred and forty-eight; and the said directors and president shall hold their offices from the second Monday of June, in every year, for one year, and shall be elected on the second Monday of June in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in the city of Trenton; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

Time and mode of annual election of directors.

Vacancies, how supplied.

5. *And be it enacted*, That if, at any time, an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such

Corporation not dissolved for failure to elect on day prescribed.

manner as is directed by the by-laws, at any time within one year.

Quorum. 6. *And be it enacted,* That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stocktransferable. 7. *And be it enacted,* That the stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be considered personal property: and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works. 8. *And be it enacted,* That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labour, not exceeding two years, or both; *provided,* such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Books of accounts to be kept. 9. *And be it enacted,* That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Limitation. 10. *And be it enacted,* That this act shall continue in force for thirty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved February 19, 1847.

AN ACT respecting public schools in the township of Bridgeton,
in the county of Cumberland.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the superintendent of public schools, to be elected in the township of Bridgeton, to set off one district in said township, with the following boundaries, viz: beginning at the mouth of Stone bridge run; thence, up the township line, to the old Burlington road; thence, along the same southwardly, to the line of Fairfield township; thence, along the township lines, to the place of beginning; which shall be known and continued hereafter as the first school district of said township; and he shall, from time to time, set off the remainder of said township into one or more school districts, as he shall think proper. Boundaries of first district.

2. *And be it enacted*, That the trustees hereafter elected in said first district, in pursuance of the act entitled, "An act to establish public schools," and their successors in office, shall be, and are hereby constituted a body politic and corporate, by the name of "the Trustees of the First School District in the township of Bridgeton." Trustees incorporated.

3. *And be it enacted*, That the said trustees may, in their corporate name aforesaid, purchase and hold such real estate as may be necessary for the purpose of public school-houses, not exceeding two acres, and may sell, exchange, or mortgage the same, as may be most for the public benefit, and may, from time to time, apply the money in the hands of the town superintendent, apportioned to said district, for the erection and maintenance of suitable school-houses thereon. What real estate trustees may hold.

4. *And be it enacted*, That the said trustees may employ one or more suitable teachers, and may, in their discretion, extend the benefits of the schools under their direction to children under the age of five, or over the age of sixteen years, under such regulations as they may prescribe; *provided*, none but children between the said ages of five and sixteen shall be reported to the town superintendent, so as to affect the apportionment of money for said district; and the said trustees may, from time to time, make such regulations for the government of said schools, not inconsistent with the existing laws of this state, as they shall deem expedient. Duties and powers of trustees.

5. *And be it enacted*, That the inhabitants of the township of Bridgeton may, at any annual town meeting hereafter held, raise, by tax or otherwise, any such sums of money, for the support of public schools therein, as they may think proper. Money may be raised by tax.

Act, when
to take ef-
fect.

6. *And be it enacted*, That this act shall take effect immediately, and the legislature may at any time alter or repeal the same.

Approved February 19, 1847.

AN ACT to authorize the Trenton Water Power Company to extend their raceway up the river Delaware.

Preamble.

WHEREAS it was provided by the act incorporating the Trenton Delaware Falls Company, passed the sixteenth day of February, A. D. one thousand eight hundred and thirty-one, that said company might erect a wing-dam in the river Delaware, between the mouth of the Assanpink creek and the head of Wells' falls, and a raceway in, along, and near the bank of said river, in the neighbourhood of Trenton; and whereas, in pursuance of said authority, the said company did erect said wing-dam at the head of Scudder's falls, and a raceway therefrom, in, along, and near said river, by which a considerable water power has been created; and whereas the said the Trenton Water Power Company are now desirous to improve and increase said water power, by extending their raceway farther up the river than the head thereof is at present located and constructed; and whereas this legislature is willing to encourage all proper efforts to develop the resources of the state—therefore,

Company
authorized
to extend
raceway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Trenton Water Power Company be, and they are hereby authorized to extend their raceway in, along, and near the bank of the river Delaware, from the present termination thereof, to any point not beyond the head of Taylor's rift; *provided always*, that the same shall be so constructed as not to impede the passage of fish, rafts, arks, and boats, or obstruct the free and uninterrupted navigation of said river.

Location
and route to
be filed in
office of se-
cretary of
state.

2. *And be it enacted*, That the location and general route of said extension shall be determined, and a description thereof filed in the office of the secretary of state, in the same manner as was required by the charter in regard to the original work; and when this shall have been done, the said the Trenton Water Power Company may proceed to acquire the lands which may be needed therefor, and, for that purpose, shall

have the like powers and privileges, and be subject to the like restrictions and liabilities, given to and imposed on the said the Trenton Delaware Falls Company, by their act of incorporation; *provided always*, that nothing in this act contained shall be so construed as in any way to affect or impair the equal rights, powers, and privileges of the said the Trenton Delaware Falls Company in any case now pending, or that may hereafter arise in any court of law or equity touching the same.

3. *And be it enacted*, That, when the extension of the said raceway shall have been completed to Taylor's rift, the said the Trenton Water Power Company shall pay to the treasurer of this state one-fourth of one per cent. upon their capital, each and every year, for the term of three years, and from and after that time one half of one per cent. yearly; *provided*, that said capital shall not be less than one hundred thousand dollars; and it shall be the duty of the president and treasurer of said company to make an annual statement in writing, under oath or affirmation, of the actual amount of capital of said company, and file the same in the office of the secretary of state of this state. Tax on capital stock.

Approved. February 19, 1847.

AN ACT for the relief of the infant children of Mary Ann Christophers, deceased.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the deed of conveyance, executed by and between Thomas S. Christophers and Mary Ann, his wife, of the first part, and Thomas Vermyla, of the second part, purporting to convey the estate belonging to the said Mary Ann Christophers, in her own right, in trust for her infant children, dated the twenty-ninth day of January, one thousand eight hundred and forty-six, and recorded in the office of the clerk of Hudson county, in liber 8 of deeds, pp. 286 and 287, be, and the same is hereby declared to be as valid and effectual, to all intents and purposes, and of the same force and effect, as if the same had been duly acknowledged by the said Mary Ann, and were accompanied by the proper certificate of one of the officers before whom it is now necessary, by law, that such acknowledgment shall be made, in order to pass the

estate of a married woman, in real estate, notwithstanding that the said Mary Ann died after the execution of said deed by her, but before the acknowledgment of the same could be made before such officer.

Approved February 19, 1847.

AN ACT for the relief of John Phillips, of the county of Mercer.

\$50 per annum to be paid to J. Phillips.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is authorized and required to pay to John Phillips of the county of Mercer, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made the first day of March next; and the receipt of the said John Phillips, or his order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved February 19, 1847.

AN ACT to change the corporate name of the Trustees of the Second Presbyterian Church of Upper Freehold.

Corporate name changed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of "the Trustees of the Second Presbyterian Church of Upper Freehold," in the county of Monmouth, be, and the same is hereby changed to the name of "the trustees of the First Presbyterian Church of Millstone," and by that name they and their successors in office shall be hereafter known, and shall be capable in law to use, exercise, and enjoy the same powers and privileges, and to perform the same acts, in all respects, as if the said corporate name had not been changed.

Approved February 19, 1849.

AN ACT to confirm the will of William Aitkin, deceased.

WHEREAS William Aitkin, now deceased, did, on the twelfth day of May, A. D. eighteen hundred and forty-five, being then a citizen of the state of New York, make and execute his last will and testament in writing, under his hand and seal, and did therein appoint his wife, Elizabeth Aitkin, and his brother-in-law, George W. Johnson, executors thereof, and did also devise and bequeath all the residue of his estate, real and personal, of every kind whatsoever and wheresoever, (after payment of his debts and funeral expenses) unto his said executor and executrix, to have and to hold the same, to them, or to the survivor of them, in trust nevertheless, to sell and dispose of the same, and to convert the whole into money, and to invest and dispose of the same in the manner in said will expressed; and whereas said executors proved the said will in the state of New Jersey, and also in the state of New York, and received a grant of letters testamentary thereon in each state, and took upon themselves the duties of such executors, and afterwards, in discharge of said duties, sold a farm belonging to the estate of their testator, situate in the county of Mercer, in this state, to Samuel H. Smith, for the sum of two thousand eight hundred dollars, and received the consideration money, and executed to him a deed for said farm, bearing date the twenty-first day of August, A. D. eighteen hundred and forty-five; and whereas it is now represented to the legislature, by the said George W. Johnson, that his coexecutrix, the said Elizabeth Aitkin, has departed this life, whereby the sole execution of the said will has devolved upon him, as surviving executor, and that he is desirous of carrying out the intentions of his testator, as therein expressed, but that his power and authority to do so are denied, because said will was signed and published by the testator in the presence of two subscribing witnesses, as required by the laws of New York, instead of three such witnesses, as required by the laws of New Jersey; and also, that the sale and conveyance, so as aforesaid made of said farm to the said Samuel H. Smith, are questioned, and the validity thereof denied; and whereas it is deemed just and right that the will of said testator, having been made and executed in the state of New York, and according to the laws thereof, and being in all respects, except the attestation thereof, according to the laws of this state, should not be suffered to fail for the want of one more subscribing witness thereto—therefore,

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That the last will and testament of William Aitkin, deceased, be confirmed.

the said William Aitkin, deceased, is hereby in all things confirmed, and declared to be as valid and effectual as if the same had been signed and published by the testator in the presence of three subscribing witnesses, and shall be so held and considered in all the courts and by all the officers of this state.

Sale and
conveyance
made valid.

2. *And be it enacted*, That the aforesaid sale and conveyance, made by the said George W. Johnson and Elizabeth Aitkin, executor and executrix as aforesaid, to the said Samuel H. Smith, is hereby declared to be valid and effectual, and shall have the same force and effect as if the said will had been in all things executed according to the laws of this state.

Approved February 19, 1847.

A further supplement to the act entitled, "An act to incorporate the city of Trenton," passed the seventh day of March, A. D. one thousand eight hundred and thirty-seven.

Streets,
how laid
out, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the power to lay out, vacate, widen, or alter public streets or alleys in the city of Trenton, shall belong exclusively to the common council thereof; but the laying out of any road which may have heretofore been laid in said city by surveyors of the highways shall be deemed valid, so far as regards the power of the surveyors to lay the same.

Consent of
owners to
be obtained.

2. *And be it enacted*, That no street or alley shall be opened in said city, without the consent of two-thirds of the owners of the lands required for the same.

Common
council
may accept
lands to be
used as
streets.

3. *And be it enacted*, That the said common council may at their discretion, by ordinance, accept such lands, as may be dedicated by the owners thereof, as public streets or alleys, and thereupon shall be bound to keep up, repair, and maintain the same, to the same extent that they may be bound to keep up, repair, and maintain streets or alleys laid out by other legal proceedings.

Public
streets to be
recognized
by common
council.

4. *And be it enacted*, That no street or alley hereafter to be opened in said city shall be recognized, considered, or treated as a public street or alley, unless the same be accepted by the common council, as provided in the preceding section,

or be laid out, as provided in the act to which this is a supplement.

5. *And be it enacted*, That whenever the common council of said city shall desire to lay out, alter, or widen any public street or alley, and shall procure the appointment of commissioners to estimate the damages which any one or more land owners may sustain by such contemplated improvement, it shall be the duty of said commissioners, after estimating said damages, to assess the amount thereof fairly and justly upon the owners of such lands, as in their opinion will be benefited by said improvement, specifying the lands so benefited, and to embrace said assessment in the report they are required by law to make; and the clerk of said city shall lay said report before the common council, at their next meeting thereafter.

Commissioners to assess damages.

6. *And be it enacted*, That it shall be the duty of the said common council, within one month after the presentation of said report, to cause a notice of the said assessment, and the amount thereof, to be served upon every person, his or her guardian or legal representative, against whom the same is made, and whose residence is in said city; and also, to cause a like notice, directed to such of said persons as do not reside in said city, to be inserted in one or more of the newspapers of said city, for the period of one month; and if, within two months from the presentation of said report, none of said persons, their guardians, or legal representatives, shall file with the clerk of the city their refusal in writing to agree to said assessment, that then the same shall be binding and conclusive, and shall thence, and until paid, be due from said several persons, with interest, to said city, and be a lien on the land against which the same is assessed, for the satisfaction of any judgment to be obtained therefor; and the said common council, in the name of "the inhabitants of the city of Trenton," may sue and recover of each person so assessed, his or her proportion of said assessment, with interest and costs, by action of debt, in any court of competent jurisdiction; and if any such person reside out of the state, an attachment may be resorted to, as in other cases of nonresident debtors; but if, within said two months, any one of said persons, their guardians, or legal representatives, shall file with the clerk such refusal, then no further proceedings to enforce the collection of said assessments shall be had; but nothing herein shall be construed to prevent the said common council from taking said lands at the expense of the city, as they may now do, if in their opinion the public interest requires it.

Notice of assessment to be given to owners.

7. *And be it enacted*, That the said common council may, at any time within four months from the presentation to them

Common council may abandon improvement.

of said report, determine to abandon such proposed improvement; and, upon their so determining, their right to take said lands, and the right of the owners to recover the valuation and damages thereof, shall cease and determine; but after such abandonment, it shall not be lawful to proceed again for the accomplishment of said improvement (unless by the unanimous consent of those landholders whose lands may be needed) for the period of five years.

Streets not
to be laid
through
houses.

8. *And be it enacted*, That no street, road, or alley shall be laid or opened in said city, by virtue of this act, through any building of the value of one hundred dollars, without the consent of the owner or owners thereof; but nothing herein contained shall be construed to take away any of the powers heretofore possessed by the common council of said city under the act to which this is a supplement.

Issue may
be tried in
Mercer.

9. *And be it enacted*, That the issue which, by the forty-second section of the act to which this is a supplement, is provided to be tried at the circuit court holden in the county of Hunterdon, shall be tried at the next, or some subsequent circuit court, to be holden in the county of Mercer.

Part of
former act
repealed.

10. *And be it enacted*, That the forty-third section of the act to which this is a supplement, and all other parts of said act which are inconsistent with the provisions of this act, be, and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1847.

AN ACT to authorize the granting of administration upon the estate of Doctor Thomas P. Stewart, late of Hackettstown, in the county of Warren, deceased.

Preamble. WHEREAS, the said Thomas P. Stewart, in and by an instrument in writing, purporting to be his last will and testament, bearing date the thirty-first day of May, A. D. eighteen hundred and forty-four, after giving various specific and pecuniary legacies, and making provision for his widow, disposed of all the rest and residue of his estate, in trust, for his children; and whereas it appears that, by reason of the nature, extent, and probable duration of the trusts created,

thereby, the executors named in said last will and testament decline proving the same, and that no competent person or persons can be found willing to administer upon the estate of said deceased, with the will annexed, whereby the said estate is in danger of being wasted for the want of some person authorized to administer the same; and whereas the children of said Thomas P. Stewart are under the age of discretion; and Susan S. Stewart, the widow of said Thomas P. Stewart, hath, by her petition, prayed the aid of the legislature in the premises—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That upon the execution of the last will and testament of the said Thomas P. Stewart, being duly proved as is required by law, it shall be lawful for the ordinary, or the surrogate of the proper county, to grant letters of administration upon the estate of said Thomas P. Stewart, to the executors named in said will, or to either of them, if they or either of them will accept the same, and if not, then to such person or persons as by law would have been entitled to the said administration, if the said Thomas P. Stewart had died intestate, if any of them will accept the same; and if none of them will accept thereof, then to such other proper person or persons as will accept the same.

Ordinary or surrogate may issue letters of administration.

2. *And be it enacted*, That the person or persons to whom administration of said estate shall be granted by the authority of this act, shall not be charged with, or responsible for the execution of the trusts named in said last will and testament, but only for the due and faithful administration of said estate, as in other cases, and for the payment and delivery of all the rest and residue of the goods, chattels, and credits which shall be found remaining upon the account of the said administration, such account being first examined and allowed by the judges of the orphans' court of the proper county, or other competent authority, to such persons as by the said last will and testament are or shall be lawfully authorized and entitled to receive the same, according to the true intent and meaning of said last will and testament, and the provisions of this act.

Administrators not responsible for trusts named in will.

3. *And be it enacted*, That upon granting of administration, in pursuance of this act, bond shall be taken with sureties, as directed by the eleventh section of the act entitled, "An act concerning executors, and the administration and distribution of intestates' estates," approved April sixteenth, eighteen hundred and forty-six, with such variations in the condition only, as the nature of the case may require.

Administrator to give bond.

4. *And be it enacted*, That the administrator or administrators, to be appointed in pursuance of this act, shall be accountable for the settlement of the estate.

Settlement of estate.

able in the settlement of said estate, and subject to be proceeded against in the same manner, and shall be entitled to the like remedies as executors and administrators, by law, now are or hereafter may be.

Trustees to
be appointed.

5. *And be it enacted*, That it shall be the duty of the court of chancery, upon application being made to that court, to appoint some proper, fit, and responsible person or persons, as trustee or trustees, to execute and carry into effect the trusts created by said will; and it shall also be the duty of said court of chancery to see that the said trusts are faithfully carried into effect and fulfilled, as in other cases of trusts cognizable in that court, and according to the course and practice of that court.

Will not to
be changed.

6. *And be it enacted*, That nothing herein contained shall be construed to alter or change the said last will and testament of said Thomas P. Stewart.

Approved February 23, 1847.

AN ACT establishing the official acts of George A. Vescelius, esq.

Preamble.

WHEREAS, in the reannexing of the township of Tewksbury to the county of Hunterdon, it appears that George A. Vescelius, who was one of the justices of the peace in said township, and was originally appointed and sworn into office in said county of Hunterdon, was not again sworn into office in said county until the second day of May, eighteen hundred and forty-five; and whereas he has continued to exercise the office of a justice of the peace in said county; and as doubts have arisen in regard to the validity of his official acts, as such justice, whereby injury might accrue to parties—therefore,

Official acts
of G. A.
Vescelius
made valid.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all the official acts, as justice of the peace, of the said George A. Vescelius, done since the first day of May, in the year of our Lord one thousand eight hundred and forty-five, until the time of the passing of this act, shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if the said George A. Vescelius had been sworn into office in the said county of Hunterdon on the said first day of May, in the year of our Lord one thousand

eight hundred and forty-five; *provided nevertheless*, that this act shall not be so construed as to expose or subject to punishment or prosecution, of any kind, any constable or other officer who may have declined, neglected, or refused to serve any process issued by the said George A. Vescelius between the said first day of May, one thousand eight hundred and forty-five, and the passage of this act.

Approved February 23, 1847.

AN ACT confirming the official acts of Philip C. Huffman.

WHEREAS, in the reannexing of the township of Tewksbury to Preamble. the county of Hunterdon, it appears that Philip C. Huffman was one of the commissioners to take acknowledgments and proof of deeds and other writings, in and for the said township of Tewksbury, and was originally appointed and sworn into office in said county of Hunterdon, before the clerk of said county, on the seventeenth day of November, one thousand eight hundred and forty-two, and was not again sworn into office since said township of Tewksbury was reannexed to the county of Hunterdon; and whereas the said Philip C. Huffman has continued to exercise the office of commissioner as aforesaid; and whereas injury might accrue to persons interested—therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all the official acts of Philip C. Huffman, commissioner to take acknowledgments and proof of deeds and other writings, by him performed since the first day of May, in the year of our Lord one thousand eight hundred and forty-five, until the passage of this act, shall, and the same are hereby declared to be as valid and effectual in law, to all intents and purposes, as if the said Philip C. Huffman had again been sworn into office in the said county of Hunterdon on the first day of May, in the year of our Lord one thousand eight hundred and forty-five.

Official acts
of Philip C.
Huffman
confirmed.

Approved February 23, 1847.

AN ACT to extend the northern boundary line of the township of Millstone, in the county of Monmouth.

Northern
boundary of
township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the northern boundary line of the township of Millstone, in the county of Monmouth, shall begin at the point in the Middlesex and Mercer county line where the middle of the public road leading from Milford, by way of Disborough's northwest corner to Perrineville crosses the same; and shall run thence, along the middle of the said road, an easterly course, till it strikes the present Middlesex and Monmouth county line, the residue of the northern boundary line of the township of Millstone remaining as heretofore; and that all that part of the township of Monroe, in the county of Middlesex, lying southward of the aforesaid bounds, shall be, and the same is hereby set off from the said township of Monroe, in the county of Middlesex, and annexed to the township of Millstone, in the county of Monmouth, and shall be subject to all the laws which the county of Monmouth now is or may be subject to; and the said line shall hereafter be the boundary line between the said counties of Monmouth and Middlesex.

Act, when
to take ef-
fect.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1847.

AN ACT to incorporate a meadow company, to be called the Lower Meadow Company on Raccoon creek, in the county of Gloucester.

Boundaries
of tract.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners and possessors of all that tract of meadow and marsh, lying and being on the westerly side of Raccoon creek, in the township of Woolwich, in the county of Gloucester, beginning at the fast lands of Benjamin Saulsbury, on Joseph Kille's bank; thence, up the said Joseph Kille's bank, to the mouth of Raccoon creek; thence up said creek, the several courses thereof, to the meadow of the Thoroughfare Company; thence, along the line of the said Thoroughfare Company,

to the fast land now owned by Samuel Creighead, to be, and they hereby are formed into a company, to be called and known by the name of "the Lower Meadow Company on Raccoon creek." Style of incorporation.

2. *And be it enacted*, That a meeting of the owners of said meadow company shall be held on the first Tuesday in April in each year, the first meeting to be held at the house now occupied by Charles Elkinton, at Bridgport, and afterwards at such place as the said company shall direct, and then and there, by a majority of votes, choose two managers for the ensuing year; and in case of any omission to choose managers at any annual meeting, the old managers shall be continued until others are chosen; and in case of neglect to choose managers, or in case of the death, refusal, or inability of any person chosen, it shall be lawful for either of the managers, or any three of the owners, to call a meeting of said company by advertisements, to be set up at least ten days before the time of meeting in three of the most public places in the said township of Woolwich, and when met, to choose a manager or managers, as the case may require, who shall be vested with all the powers, and subject to the same penalties, as if chosen at the annual meeting; and any person may be chosen a manager, whether he be an owner or possessor or not. Time and mode of annual election of managers.

3. *And be it enacted*, That the bank or banks of said meadow shall be put up and maintained by said company, each owner or possessor paying his or her ratable proportion thereof, according to quantity and quality of the meadow so owned or occupied by them; and in case any owner or possessor shall neglect or refuse to pay his ratable proportion of the expense of said bank, then and in such case the managers for the time being shall present their account forthwith to the said delinquent owner or possessor, under oath or affirmation; and on the neglect or refusal of the said owner or possessor to discharge the same, within the space of twenty days after notice in writing, it shall and may be lawful for the said managers to enter upon the meadow or marsh of such delinquent, and take the rents, issues, and profits, or sell and dispose of the grass, hay, or grain thereon, or may advertise the meadow of the said owner or possessor, so neglecting or refusing to pay, in three of the most public places in the said township for the space of twenty days, and sell the same at public vendue, and execute a lease for the said meadow, for so long a time, and no longer, as will be sufficient to discharge the said expenses and all costs which may have accrued thereon; and the sale and lease so made shall be good and effectual in law. Owners of tract to pay ratable proportion of expense.

4. *And be it enacted*, That all sluices, dams, and other ne-

Dams, how
construct-
ed.

Water-
courses,
how kept
open.

cessary water works for the purpose of keeping out the tide shall be constructed and erected at the common expense of the owners of and possessors of said meadow; and any owner or possessor neglecting or refusing to pay his ratable proportion of the expense thereof, such delinquent shall be proceeded against as directed in the third section of this act, respecting the bank or banks of said meadow; but all water-courses shall be kept open by the owner or possessor of the meadow through which the same may run; and on neglect or refusal of any owner or possessor to clear out and keep the same open as aforesaid, after ten days' notice thereof having been given in writing to such owner or possessor by the managers, then it shall and may be lawful for the managers to cause the necessary work to be done, and to present their account therefor to said delinquent, and, on refusal of payment by such delinquent, to advertise the grass, hay, or grain, or the meadow, of the person or persons so neglecting or refusing to pay, and to sell the same, as is directed in the third section of this act; and it shall be the duty of the owners and possessors to cause their banks to be mown and cleared of all the rubbish twice in every year, once between the tenth day of June and the fourth day of July, and once between the first day of September and the first day of October, and if neglected ten days after either of the times above specified, the managers are required to enter upon the said banks, and cause the work to be done; and they are authorized to recover the amount of the expenses thereof, in the manner directed in the third section of this act.

Proceed-
ings in cer-
tain cases.

5. *And be it enacted*, That in case it should be necessary to remove the bank of any part of the meadow in said company from the place where it now stands, and the owner of such part of the meadow cannot agree with the managers where a new bank shall be erected, then it shall and may be lawful for such owner to choose one disinterested person, and the managers another, to determine where such bank shall be erected; and if they two so chosen cannot agree, then such persons chosen shall choose a third person, and the place agreed upon by the three persons so chosen, or any two of them, shall be the place for erecting such new bank; and that if it should appear necessary to open the sluice or sluices of said company, for the purpose of watering the meadow at any time, the managers shall call a meeting of said company, giving at least three days' notice thereof to the owners and possessors of said meadow, by written notices forwarded to them, or by advertisements put up in three of the most public places in the township of Woolwich, and said meeting shall determine the same; but in no case shall both owner and possessor of the same piece of land be permitted to vote.

6. *And be it enacted*, That if any person duly appointed a manager as aforesaid, and having accepted the appointment, shall neglect or refuse to perform any of the duties required of him by this act, he shall for every such refusal forfeit the sum of five dollars, to be recovered by action of debt, by any owner or possessor who may sue for the same, with costs of suit; and the fine so recovered shall be paid to the succeeding managers, for the use of the company; *provided*, that no manager shall be liable to be fined until after one day's notice in writing, from an owner or possessor, of the case requiring his attention. Penalty for neglect of duty by managers.

7. *And be it enacted*, That the said company, at their annual or other meetings, shall have power to order to be raised such sum or sums of money as they shall judge necessary for the use of said company; and the managers shall make assessments upon all the meadow and marsh within the bounds of said company, according to quantity and quality, and the owners and possessors are required to pay the amount so assessed against them respectively; and the said managers shall produce the duplicate of said assessment at the annual meeting of said company, and at the same time render a true account of all the money by them received and expended for the use of said company, and shall pay over the balance which may remain in their hands upon settlement of their accounts to the succeeding managers, who are required to receive the same, and on failure of payment thereof, to sue for and recover the same, with costs of suit, in any court having cognizance thereof; and the said managers shall provide a book, in which shall be entered the proceedings of all meetings of said company. Managers to assess owners and possessors.

8. *And be it enacted*, That all the meadow and marsh within the bounds of the said company shall be liable for the money which may be assessed thereon for the use of said company; and all the meadow and marsh, and grass, hay, or grain thereon, belonging to any individual, shall be liable for the payment of any money which may be expended by the managers, under the provisions of this act, on the banks or watercourses belonging to him, any sale or alienation thereof notwithstanding; and the managers shall be entitled to receive ten per centum upon all sums assessed and collected for the use of said company, and the same commission upon all sums by them expended for the use of individuals, pursuant to the directions of this act. Meadows liable for assessment.

9. *And be it enacted*, That all line or division ditches between owners shall be considered as watercourses, and being nine feet wide at the top, and four and a half feet wide at bot- Ditches lawful fences.

tom, and three feet deep, upon a mud or miry bottom, shall be taken and esteemed to be lawful fences within the said company; and for all trespasses done over or through the same, damages shall be recoverable, as if done over any lawful fence.

Com-
mis-
sioners to
survey
meadow.

10. *And be it enacted*, That at the next annual meeting, or at a special meeting called for that purpose, the owners and possessors, when met, by a majority of those present, shall choose three disinterested judicious freeholders as commissioners, one of whom shall be a surveyor, who, or a majority of whom, after notification of their election by the managers, or a majority of them, shall view the said premises, and cause the meadow and marsh of each owner and possessor to be strictly measured, and a correct map or plot thereof to be made, exhibiting the number of acres held by each one, and also make a valuation of the said meadow and marsh, having regard to quantity and quality; and their map and report, and valuation under their hands, or under the hands of any two of them, in writing, shall be given to the managers and entered in the company's book, and shall remain in their possession during their continuance in office, and at the expiration of their term of office be delivered to their successors; which map, report, and valuation shall be received as evidence of each owner's quantity of acres, and the value each lot is rated at; and all future assessments shall be made in proportion thereto.

Special
meetings,
how called.

11. *And be it enacted*, That whenever the managers, or any three of the owners, deem it necessary to call a special meeting of the said meadow company, they shall give at least five days' notice thereof, by advertisements put up in five of the most public places nearest the aforesaid company, designating the time, place, and object of such meeting.

Managers
to give
bond.

12. *And be it enacted*, That the said managers, before entering on the discharge of their duties, shall give bond to the said company, in their corporate name, with such security and in such amount as said company shall direct, for the true and faithful performance of their duties, as prescribed by this act; which bond shall be delivered to the clerk of the said company, who is required to receive the same, and prosecute the said bond in any court of competent jurisdiction, when so ordered by the said company, and to give a proper discharge under his hand, exonerating the said managers from further liability, whenever the said company shall so order and direct.

Managers
to erect
dams, &c.

13. *And be it enacted*, That it shall be the duty of the managers to make and erect good and sufficient banks, dams, floodgates, sluices, and every other work necessary and proper

to keep out the tide, and to dig, and take for the purposes aforesaid, any earth, mud, or sod in any part of the said meadow and marsh the most convenient and least detrimental to the owners thereof; and also to purchase materials, and to make and construct the works aforesaid; and to have free ingress and regress, for themselves and their teams, through any part of said meadow; and may take and cart the ditch bank for the purposes aforesaid, whenever convenient so to do.

14. *And be it enacted*, That if it shall be found necessary to have a cross bank between the Thoroughfare Company and the company established by this act, that the expenses of making and maintaining such bank shall be paid equally, that is, one half by each company, to be assessed by the managers of the respective companies on all the meadow and marsh in each company, and collected as directed in the third section of this act. Cross bank,
how made.

15. *And be it enacted*, That Charles Elkinton and Joseph Richards shall be the managers of the company hereby created, until the next annual meeting after the passage of this act; and that all money heretofore expended, or that may be expended by the said managers for the purposes of said company, until the time when this act shall take effect, shall be assessed and collected in the manner directed in the third section of this act. First managers.

16. *And be it enacted*, That this act shall take effect on the first Tuesday of April next, and that the act entitled, "An act concerning the meadow and marsh lying on the westerly side of Raccoon creek, and near the mouth thereof, in the township of Woolwich and county of Gloucester," passed February fifth, eighteen hundred and eleven, be, and the same is hereby repealed; *provided*, that nothing herein contained shall be so construed as to impair or in any wise affect any matter or thing heretofore legally done under the said act, but that such proceedings may be had thereon as if this act had not been passed. Former act
repealed.

Approved February 24, 1847.

AN ACT to incorporate the Camden Hall Association of the city of Camden, New Jersey.

Names of corporators 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Joseph C. DeLacour, John F. Starr, Charles Bontemps, Isaac Mickle, and William E. Laferty, and their associates and successors, be, and they are hereby incorporated and made a body corporate and politic,

Style and general powers.

in fact and in law, by the name of "the Camden Hall Association," for the purpose of erecting and building a hall in the said city of Camden, and for the transaction of all such business as may be necessarily connected with the erecting, building, conducting, leasing, or otherwise disposing of such hall; and they shall have power to raise, by subscription, a capital not exceeding ten thousand dollars, in shares of fifty dollars each; and, by the same name, shall have full power to purchase, have, take, receive, possess, and enjoy all such lands, tenements, property, goods, chattels, and effects, as may be required for the purposes of the said corporation, and the same to grant, bargain, sell, alien, convey, demise, mortgage, charge, encumber, and dispose of, at their will and pleasure.

When to commence business.

2. And be it enacted, That the said corporation shall not go into operation until five thousand dollars of the capital stock of said corporation shall be paid, in gold or silver coin or in current bank notes; and an oath or affirmation thereof shall be made, by some one of the associates named in the first section of this act, and filed in the office of the clerk of the said county of Camden.

Stock transferable.

3. And be it enacted, That the capital stock of said corporation shall be deemed personal estate, and shall be transferable upon the books of said corporation; and no part of said stock shall be, at any time or under any pretence, withdrawn or refunded to the stockholders, until all debts and liabilities of the corporation are fully paid; and each stockholder, at all elections for managers or directors, shall be entitled to one vote for each share of capital stock held by him or her, which vote may be given in person or by proxy.

Commissioners to receive subscriptions.

4. And be it enacted, That Joseph C. DeLacour, John F. Starr, Charles Bontemps, Isaac Mickle, and William E. Laferty, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and, whenever such subscriptions amount to five thousand dollars, the stockholders, having had two weeks' notice in writing, or in a newspaper published in the said county of Camden, in which said notice shall be specified the

time, place, and object of the meeting, shall proceed to elect such directors and officers, and make such by-laws as they may deem necessary for conducting the affairs of the said corporation; and such directors and officers shall hold office until their successors shall be elected; and the remainder of the stock, if any, shall be disposed of by the directors of said corporation, as shall be provided for by the by-laws of said corporation.

5. *And be it enacted*, That in the month of May, annually, the directors shall submit to the stockholders of said corporation a written statement, under the oaths or affirmations of said directors, of the amount of capital stock paid in, the amount of all existing debts against the corporation, as well as the receipts and credits of said corporation; and no dividend shall be declared or paid to the stockholders, except from the net profits of the said corporation. Directors to make annual statement.

6. *And be it enacted*, That this act shall continue in force thirty years, unless sooner altered, amended, or repealed by the legislature of this state. Limitation.

7. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved February 24, 1847.

AN ACT to incorporate the Manasquan river and Barnegat Bay Canal Company.

WHEREAS it has been represented to the legislature of the state of New Jersey, that a canal from the Manasquan river to the head waters of Barnegat bay, in the township of Howell and county of Monmouth, for the passage of steamboats, sailing vessels, scows, and other craft, would greatly facilitate intercourse, prevent many disasters on the coast, and essentially promote the prosperity of that part of the state—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Osborn, John S. For- Commissioners to receive subscriptions. man, Robert Laird, Daniel Christopher, and Samuel C. Dunham, of the county of Monmouth, be, and are hereby appointed commissioners to receive subscriptions to the capital stock of "the Manasquan river and Barnegat bay Canal Company," at such times (within two years from the passage of this act) and

at such places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of the books, by publishing the same in a newspaper printed in this state, and circulated in the said county of Monmouth.

Amount of capital.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, and shall consist of one thousand shares, of twenty-five dollars each; and that five dollars shall be paid on each share at the time of subscribing, and that the residue of such subscription shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of said company shall from time to time direct and give public notice of; *provided*, that no instalment to be called for shall exceed five dollars on each share; *and provided also*, that if the number of shares subscribed for shall exceed the number authorized by this act, the said commissioners shall apportion the said stock among the subscribers, in the proportion of the number of shares by them respectively subscribed.

Proviso.

Style of incorporation and general powers.

3. *And be it enacted*, That as soon as the sum of five thousand dollars shall be subscribed, the persons subscribing or holding the same shall be, and hereby are incorporated into a company, by the name of "the Manasquan river and Barnegat bay Canal Company," and, by that name, shall become capable of purchasing and holding, or otherwise becoming possessed, and conveying real and personal estate; and shall have all other powers and privileges incident to a body corporate and politic, and necessary to carry into effect the purposes of this act; and as soon as the said five thousand dollars shall be subscribed, as aforesaid, it shall be the duty of the said commissioners, or the majority of them, or the survivors of them, to call a meeting of the subscribers, at such convenient place as they shall direct, giving at least twenty days' notice of the time and place of such meeting, in the manner herein directed with regard to opening the books, at which meeting the subscription books shall be laid before the stockholders who may be present, who shall proceed to elect by ballot, from among the subscribers, five directors to manage the affairs of said company, who shall hold their office for one year and until others are elected in their place, of which election the said commissioners shall be the judges; and at the expiration of one year, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall hold their office in manner aforesaid; and at every such election each stockholder may vote in person or by proxy, and shall have as many votes as he, she, or they have shares of stock; *provided*, no stockholder shall have more than ten votes.

Election of directors.

4. *And be it enacted*, That within twenty days after the first and every annual election of said company, the said directors shall choose one of their number as president of said company, who shall hold his office for one year, who shall preside at all meetings of the board of directors, a majority of whom shall always constitute a quorum for the transaction of business; and the said directors shall, also, within the time aforesaid, elect a treasurer of said company, who shall hold his office during the pleasure of the board, and who shall, before he enters upon the duties of his office, enter into bond to the said president and directors, with sufficient sureties, for the faithful performance of his office; and the said directors shall have power to supply all vacancies occasioned in the board, by death or otherwise, and, at every annual election after the first, to choose two discreet and impartial men as judges of said election.

Directors to elect president.

5. *And be it enacted*, That it shall be lawful for the said company, as soon as they are organized in manner aforesaid, to construct a canal or artificial navigation from the Manasquan river to the head waters of Barnegat bay, in the township of Howell, from such point on said river to such point on said bay as the said commissioners shall deem most advantageous, and upon such line or route as the said commissioners may select; which canal shall not exceed forty feet in width at the water line, and shall be of such depth as the said commissioners shall deem necessary, and for that purpose it shall be lawful for said company, by their president and directors, or any agent, engineer, or superintendent, or the said commissioners, to enter upon and explore any land lying between the points on said river and bay, the said commissioners may select, or adjacent thereto, doing no unnecessary damage; and when the route of said canal shall be fixed, it shall be lawful for said company, by their agents, engineers, contractors, or other persons, to enter upon and take possession of such lands as may be necessary for the construction of said canal, by first paying such compensation to the owner or owners thereof as is hereinafter directed.

Company to construct canal.

6. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, and the damages sustained by them, or when such agreement cannot be made by reason of the absence or legal disability of such owner or owners, it shall be lawful for the president and directors of said company, or the owner or owners of such lands, to apply to any one of the judges of the court of common pleas of said county, who shall, on such application, appoint three disinterested commissioners, who shall, after giving

Proceedings in case owners and company cannot agree.

notice to the parties concerned of the time and place of *meeting*, and taken an oath before the said judge of the said court faithfully to perform the duties of their appointment, proceed to examine the said lands, and appraise the value thereof, and the damages sustained by such owner or owners, and make report thereof, in writing, to the next subsequent term of the court of common pleas of said county; and the said company shall pay the costs of such application and report; and if either party shall be dissatisfied with such report, and shall signify the same to the said court, the said court shall forthwith direct a proper issue for the trial of such controversy, by jury empanelled for that purpose; and the said issue shall be set down for trial at the term next subsequent to the coming in of the said report; and the determination of such jury shall be final and conclusive; and if the sum, by them, be greater than that reported by the said commissioners, then the said company shall pay the costs of such trial, but if the sum found shall not exceed the sum reported, then the owner or owners shall pay the costs of such trial; *provided*, the said trial is had at the instance of such owner or owners; and if the trial is had at the instance of said company, and the sum found should not be less than that reported, then the said company shall be at the cost of the said trial, and if it be less than the sum so reported, the said owners shall pay the cost of such trial; and the said owner or owners shall be entitled to recover, by the judgment of the court upon such verdict, the amount so found by the jury against said company, upon the payment of which, the title to said lands shall forthwith vest in said company.

Locks to be erected.

Proviso.

Company to erect bridges.

7. *And be it enacted*, That the said company shall erect, or cause to be erected, on said canal one or more good and substantial locks or tide-gates, which they shall maintain and keep in good repair, to stop the water from flowing through said canal, whenever they may think it necessary so to do; *provided*, that in case Manasquan inlet should at any time shut or close up, then it is hereby made the duty of said canal company to keep their gates or locks shut, so as to prevent the water from running through said canal into the bay, until said inlet shall be reopened.

8. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over said canal, where any public road shall cross the same, so that the passage of carriages, horses, and cattle on said roads shall not be prevented; and the said company shall make and keep in repair all fences across the line of said canal, where the same now are and may hereafter be erected by the owner or owners of the adjacent lands.



9. *And be it enacted*, That if any person or persons shall wilfully and maliciously injure said canal, its locks, gates, or any other thing thereunto appertaining, or shall obstruct the navigation thereof, he, she, or they shall be liable to indictment, and fined and imprisoned, or both, at the discretion of the court, the fine not exceeding one hundred dollars, nor the imprisonment six months, and shall be liable also to make good all damages the company may sustain thereby. Penalty for injuring works.

10. *And be it enacted*, That, as soon as the said canal shall be completed, the said company are hereby authorized and empowered to demand and take a toll for passing through said canal, at the following rates, viz : Rate of tolls.

For every steamboat, at a rate not exceeding twenty cents per ton.

For every sail vessel, at a rate not exceeding ten cents per ton.

For every scow or vessel without sails, at a rate not exceeding ten cents per ton.

For every fish boat or skiff, twenty-five cents, each.

11. *And be it enacted*, That if any person or persons shall pass through said canal as aforesaid, without first paying the toll, according to the rates aforesaid, he shall forfeit and pay to the said company a fine not exceeding forty dollars, to be sued for and recovered by action of debt, with costs, before any competent court. Penalty for nonpayment.

12. *And be it enacted*, That if any toll gatherer or agent, or any person acting by the authority of said company, shall unnecessarily stop, hinder, or delay any boat, vessel, scow, or other craft that may navigate the same, or shall take more toll than by this act is authorized, he shall for every such offence forfeit and pay to the injured party the sum of forty dollars, to be recovered by action of debt, with costs, in any competent court, in the name and for the use of the injured party. Penalty for excessive toll, &c.

13. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper of the net profits thereof, and shall, semi-annually thereafter, if the affairs of the company will admit, declare such further dividends, and pay the same to the stockholders, in proportion to the amount of their respective shares, or, in case they fail to do so, assign their reasons to the stockholders in writing. Dividends to be made.

14. *And be it enacted*, That this act shall be deemed and taken as a public act, and as such taken notice of by all courts of justice in this state, without specially pleading the same. Public act.

Time of completion. 15. *And be it enacted*, That in case said company shall neglect to have said canal completed at the expiration of ten years from the date of the passage of this act, then this charter shall be annulled, and the title to the lands through which the said canal shall pass be revested in the person or persons from whom they were taken by concession or inquisition, as aforesaid, their heirs or assigns.

Approved February 24, 1847.

AN ACT to incorporate the Camden and Woodbury Railroad Company.

Preamble. WHEREAS, by an act of the legislature of the state of New Jersey, passed the first day of March, in the year of our Lord one thousand eight hundred and thirty-six, James Matlack, Joseph Ogden, and others, and their associates, were created a corporation, by the name of "the Camden and Woodbury Railroad and Transportation Company;" and, in and by the said act, the said corporation, among other things, were authorized to locate and construct a railroad from some point in the city of Camden to some point at the town of Woodbury, in the county of Gloucester; and whereas the said corporation did afterwards, according to the provisions of said act, locate and construct a railroad between the said two points, and put the same into operation, having first obtained the lands upon which the said road was located, according to the requirements of the said act; and whereas the said railroad, and all the lands upon which the same was located as aforesaid, with the appurtenances, hath since become vested in one Henry R. Campbell, who hath associated with him his brother, John D. Campbell, and they two have prayed that they and their associates may be incorporated into a company, with power and authority to reconstruct said railroad (now greatly dilapidated), and to extend the same from Woodbury aforesaid to Carpenters Landing, and from at or near its present terminus, in said city of Camden, to some other point in said city—now therefore,

Names of corporators 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the said Henry R. Campbell and John D. Campbell, and such other persons as may be hereafter associated with them, shall be, and hereby are ordained,

constituted, and declared a body corporate and politic, by the name of "the Camden and Woodbury Railroad Company;" ^{Style.} and the capital stock thereof shall be one hundred thousand dollars, with liberty to the said company to increase the same to two hundred thousand dollars; and the said capital stock shall be divided into shares of fifty dollars each, which shall be deemed personal estate, and be transferable in such manner as the by-laws of the said company may prescribe; and it shall and may be lawful for the said company to purchase of the said Henry R. Campbell, his heirs or assigns, the said railroad, and all the lands upon which the same was located as aforesaid, and receive his or their deed or deeds of conveyance therefor; and such conveyance shall vest in the said company all the right and title which was ever vested in the aforesaid company, called "the Camden and Woodbury Railroad and Transportation Company," of and in the said railroad, and the lands upon which the same was located; and the said company, hereby created, shall have, hold, use, occupy, possess, and enjoy the same, when so purchased and conveyed, for all the purposes of this act; *provided*, that any sum or sums of money due and unpaid for any lands occupied by said Camden and Woodbury Railroad and Transportation Company shall be paid before the reconstruction of said railroad on said lands; *and provided further*, if it shall appear that title to any land on the line of said railroad has not been legally acquired by said company, then said lands shall be purchased or acquired under the conditions of the eighth, ninth, and tenth sections of the act incorporating said company, prior to the reconstruction of said road on said lands.

2. *And be it enacted*, That it shall and may be lawful for the said company, hereby created, to construct anew, upon the lands where the aforesaid railroad was located, a railroad with as many sets of tracks or rails as they may deem necessary; and to repair or reconstruct the bridges over and across the creeks and streams along the line of the said road, and to extend the same, with one or more tracks or sets of rails, from some point at or near where it now joins the railroad of the Camden and Amboy Railroad and Transportation Company, in the city of Camden, to some point upon the Delaware river, in said city; and, for that purpose, it shall and may be lawful for the said company to pass with said railroad, with one or more tracks or sets of rails, along or down any of the roads or streets of said city, to the said Delaware river, they, the said company, first obtaining permission for that purpose from the common council of said city; *provided*, that if the said railroad shall be so extended, it shall be constructed, maintained, and conducted along or down any of the said roads or

Company
authorized
to lay rails.

streets, in such manner, and upon such terms and conditions, as shall or may be agreed upon by and between the said company and the said common council.

Extension
of railroad
authorized.

3. *And be it enacted*, That it shall and may be lawful for the said company, hereby created, after having constructed anew the railroad aforesaid, to extend the same, with as many sets of tracks or rails as they may think proper, from some point on said railroad, within half a mile of the town of Woodbury aforesaid, to the village of Carpenters Landing, in the said county of Gloucester; and it shall and may be lawful for the said company, by their agents, engineers, or others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, or laying out a route for thus extending said road, doing no unnecessary injury to private or other property; and when such route shall be determined upon (which, as well as the road to be relaid, shall not be more than sixty-six feet in width), and a survey thereof deposited in the office of the secretary of state, it shall and may be lawful for the said company, by their officers and other persons in their employ, to enter upon, take possession of, have, hold, use, occupy, and excavate the lands included in said extended route, and to erect embankments and bridges over and across the said lands and streams along the same, and to do all other things necessary or proper for thus extending said road; *provided*, that the payment, or tender of payment, of all damages for the occupancy of the lands taken or required for thus extending said railroad, shall be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying, laying out, and determining the route for thus extending said road as aforesaid.

Survey to
be filed.

Proviso.

Proceed-
ings in case
company
and owners
of land can-
not agree.

4. *And be it enacted*, That when the owners of the lands on which the said railroad shall be extended, as aforesaid, shall not be willing to give the same for such purpose, and they cannot agree with said company upon the amount of damages to be paid them for thus taking and occupying said lands, then such damages shall be ascertained and determined, in all respects, in the manner pointed out in the act entitled, "An act to incorporate the Camden and Woodbury Railroad and Transportation Company," for ascertaining and determining the price of, or damages sustained by the owners of lands taken for the purposes of that act; and upon payment, or tender of payment, of the damages thus ascertained and determined, with any costs that may be assessed against the said company, the said company shall be deemed to be seized and possessed in fee-simple of the lands taken, as aforesaid, for extending said road; *provided always*, that if the said rail-

road authorized by this act, or any part thereof, shall hereafter be abandoned, then the lands upon which the same is or may be located as aforesaid, or such part thereof as shall be abandoned, shall revert to the original owners of said lands, their heirs or assigns.

5. *And be it enacted*, That it shall and may lawful for the said company, hereby created, to purchase and hold sufficient lands, in fee-simple or otherwise, along the line of said railroad, and at the terminus thereof, for constructing depots, car-houses, store-houses, and other buildings for the use of said company, and to construct such depots, houses, and other buildings thereon; and to construct or purchase, and place upon said road, all machines, engines, cars, wagons, carriages, or vehicles for the transportation of persons and property thereon, and to transport thereon such persons or property as the said company shall think proper; *provided*, that it shall not be lawful for the said company to charge any higher rates for the transportation of persons and property on said road, than the rates set forth and contained in the aforesaid act incorporating the Camden and Woodbury Railroad and Transportation Company.

What real and personal property company may hold.

6. *And be it enacted*, That the affairs of the said company, hereby created, shall be managed by a board of five directors, a majority of whom shall be a quorum; they shall be elected, by and from among the stockholders, by ballot, and shall hold their offices for one year and until their successors shall be elected; and at all elections of directors, the stockholders may vote in person or by proxy, and shall be entitled to one vote for each share of the stock which he, she, or they may own; and the board of directors for the time being shall and may elect, out of their own body, a president of said company; *provided*, that until the said company shall be fully organized under this act, and a board of directors elected, the said Henry R. Campbell and John D. Campbell shall be the board of directors, and the said Henry R. Campbell shall be president of said company; but the said company shall be organized, and a board of directors elected within one year from the date of the approval of this act.

Mode of election of directors.

7. *And be it enacted*, That the said company, hereby created, shall have power to borrow money, from time to time, for the purpose of constructing the railroad and appendages authorized by this act, not exceeding in all fifty thousand dollars; and for the purpose of securing the payment of all such sum or sums of money as may be borrowed as aforesaid, with interest, it shall and may be lawful for said company to mortgage the said railroad authorized by this act, and all the lands

Company authorized to borrow money.

upon which the same is or shall be located, and all the corporate powers, franchises, and privileges of said company, with the appurtenances; and in case of a sale upon any such mortgage under a decree of the court of chancery of this state, the purchaser or purchasers at said sale shall be deemed and considered a body corporate and politic, endowed with all the powers, franchises, and privileges conferred or granted to the said company created by this act, and subject to all the conditions, restrictions, and limitations imposed on said company by this act; and the said purchaser or purchasers, as such body corporate and politic, may, after such purchase by him or them, organize themselves into a company, by such name as they may think proper, as nearly as may be in the manner provided in this act for the organization of the company hereby created.

Company
to keep
bridges in
repair, &c.

8. *And be it enacted*, That it shall be the duty of the said company, hereby created, to construct and keep in repair good and sufficient bridges and passages over or under the said railroad, where any public or private way shall cross the same, so that the passage of carriages, horses, and cattle over the said road shall not be impeded thereby; and also, when the said railroad shall intersect any farm or other lands of individual or individuals, to provide and keep in repair suitable wagon ways over or under said railroad, so that the same may be conveniently passed; and also to keep in repair, maintain, and make good and sufficient fences along the line of said railroad, when the same shall be necessary; and upon failure to repair, maintain, and make such fences as shall and may be lawful for the owner or owners of the land when such failure shall occur, to repair, maintain, and make such good and sufficient fences, and demand payment, and ten per cent. in addition, therefor, from said company; and upon failure of said company, for the space of ten days after such demand, to make payment therefor, the said owner or owners may recover the same, by action of debt or other suitable form of action, in any court of competent jurisdiction, with costs, to be taxed by the court in which such recovery shall be had; *provided*, that said company shall not be held liable to make or maintain any fences along the line of said railroad, where the fences, heretofore constructed by the aforesaid "the Camden and Woodbury Railroad and Transportation Company," have been removed by the owner or occupier of the lands where the said fences were so constructed.

Penalty for
injuring
works.

9. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the said railroad hereby authorized, or any part thereof, or any of their works, carriages, horses, bridges, engines, machines, implements, or

tools, such person so offending shall forfeit and pay to the said company the sum of twenty dollars, to be by them recovered, in any court of competent jurisdiction, in an action of debt, and shall also be liable for damages.

10. *And be it enacted*, That the president and directors of the said company, hereby created, shall declare and make such semi-annual dividends out of the clear profits of the said railroad as they may deem prudent, and pay the same to the stockholders, or their legal representatives, in proportion to the shares held by them respectively ; *provided*, that the said company shall not at any time make, declare, or pay out any dividend of the capital stock of said company ; and as soon as the net proceeds of said road shall amount to eight per cent. per annum on the capital stock, the said company shall pay to the treasurer of this state one half of one per cent. per annum on the said capital stock, to be paid annually, on the first Monday in January of each year ; but no other taxes shall be imposed on said company. Semi-annual dividends to be made.
 Provided.

11. *And be it enacted*, That in case the reconstruction of said railroad, between the point of its intersection with the Camden and Amboy Railroad in Camden and the town of Woodbury, shall not be commenced within two years, and completed within five years from the passage of this act, or if said company, after reconstructing said road, shall cease to use it at any time for a term of three years, then the rights of said corporation shall cease, and the lands on which said railroad was constructed shall revert to the original owner or owners thereof, or their heirs or assigns. Within what time reconstruction of road to commence.

Approved February 24, 1847.

AN ACT supplementary to the act to incorporate the Trenton City Bridge Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so soon as the dividends upon the capital stock of the Trenton City Bridge Company shall be sufficient to reimburse to the stockholders the amount of the cost of said bridge, and the interest thereon, a majority of said stockholders may, at a meeting convened for that purpose, of which three weeks' notice shall be given in at least two of the newspapers published in the county of Bucks, and two in the Bridge may be declared free.

Proviso. city of Trenton, declare the said bridge to be free for the passage of all foot passengers and vehicles of every description, without the exaction of any tolls whatever therefor; *provided*, the said city, by the common councils thereof, will agree to keep the same in repair; and so long as the same is thus kept in repair, it shall remain free, as aforesaid.

Location. 2. *And be it enacted*, That it shall be lawful for the president and directors of said company to locate said bridge at such place as they may deem most suitable, being at and opposite the city of Trenton, on the river Delaware.

Act, when to take effect. 3. *And be it enacted*, That this act shall not go into effect until a like supplement shall be passed by the legislature of Pennsylvania.

Approved February 25, 1847.

AN ACT for the relief of Hannah Taylor, of the county of Monmouth.

\$50 per annum to be paid to H. Taylor. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state shall and is hereby authorized and required to pay to Hannah Taylor, the widow of Thomas Taylor, or her order, the sum of fifty dollars per annum, during her natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made the first day of March next; and the receipt of the said Hannah Taylor, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved February 25, 1847.

AN ACT for the relief of Henry Burdan, of the county of Bergen.

\$60 per annum to be paid to H. Burdan. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be authorized and required to pay to Henry Burdan, of the county of Bergen, a soldier of the Revolution, or his order, the sum of

sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the fourth day of March next.

Approved February 25, 1847.

AN ACT to provide for the safe keeping of the prisoners of the county of Sussex.

WHEREAS the jail of the county of Sussex has been destroyed by fire, by reason whereof there is no place for the safe keeping of the prisoners committed to the custody of the sheriff of said county—therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That, until a suitable jail shall be built for said county of Sussex, it shall be lawful for the sheriff of said county to convey all prisoners committed, or who shall be committed to his custody, for any cause whatever, to the sheriff or jailer of the county of Warren, who shall thereupon, at the expense of the said county of Sussex, receive and keep such persons in the jail of said county of Warren, until discharged by due course of law, or until demanded by the sheriff or jailer of the county of Sussex, duly authorized by a resolution of the court of common pleas of said county of Sussex, under the seal of said court, and attested by the clerk thereof.

Sheriff authorized to convey prisoners to Warren.

2. And be it enacted, That this act shall take effect immediately.

Act, when to take effect.

Approved February 25, 1847.

AN ACT to incorporate the Newark Savings Institution.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That William Wright, John S. Darcy, Joel W. Conduct, Samuel Meeker, Beach Vanderpool, Edwin Van Antwerp, Isaac Van Wagenen, William Stevens, Elihu

Names of incorporators

Day, Charles S. Macknet, Conrad Teese, James Hewson, James Wheeler, James Miller, Owen McFarland, Daniel Price, Peter S. Duryee, John C. Beardsley, James M. Quinby, and Silas H. Kitchell, of the city of Newark, John Wide, of Bloomfield, Samuel H. Gardiner, of Clinton, John Kennedy, of Belleville, William Pierson, of Orange, and Abel S. Hetfield, of Elizabethtown, in the county of Essex, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "the Newark Savings Institution;" and, by that name, they shall have perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and may have a common seal, with power to change and alter the same from time to time; and, by that name, shall be capable of purchasing, taking, holding, and enjoying, to them and their successors, any real estate, in fee-simple or otherwise, and any goods, chattels, or personal estate which shall be necessary for the purposes above recited, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of ten thousand dollars.

Style of incorporation and general powers.

Proviso.

Managers and officers.

2. *And be it enacted*, That the institution shall be conducted by twenty-five managers, twenty of whom shall be residents of the city of Newark; a majority of the managers shall be a quorum to do business, and the seat of any manager who shall have neglected to attend for four successive meetings, may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution; and the managers shall hereafter meet annually, on the second Monday in May, and choose one of their number as president; and they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary; which officers, so chosen and appointed, shall continue in office one year and until others are chosen; and all officers so chosen shall be under oath for the faithful performance of the duties of their office respectively; and such officers shall have power to appoint a clerk or clerks, and such other agents or servants as they may deem necessary for conducting the affairs of the corporation, and to remove them at pleasure, and to appoint others in their stead, and to fix their salaries.

Managers to make by-laws.

3. *And be it enacted*, That the said board of managers shall from time to time have power to make, ordain, and establish

such by-laws and regulations as they shall judge proper for the election of their officers; for prescribing their respective functions, and the mode of discharging the same; for regulating the times and places of meeting of the officers and managers, and for the transacting, managing, and directing the affairs of the institution; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United State; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the said institution shall be transacted, but shall not be altered so as to affect any one who may have been a depositor previous to such alteration.

4. *And be it enacted*, That the said corporation may receive, as deposits, all sums of money which may be offered for the purpose of being invested, in such sums and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to such depositor at such times and with such interest, and under such regulations, as the board of managers shall from time to time prescribe; and the said corporation may accept and execute all such trusts, of every description, as may be committed to said corporation by any person or persons whatsoever, by will or otherwise, or transferred to the same by order of any court.

Corporation may receive deposits.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund; *provided*, that said rates of interest may, at the discretion of the managers, be so regulated that the interest allowed to depositors having one thousand dollars or more deposited, shall be at least one per cent. less than the interest allowed to other depositors, and so that no interest or dividend on account of said surplus fund shall be allowed for moneys which shall have been withdrawn from deposit.

Managers to regulate rates of interest.

6. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services; nor shall they issue any notes or bills; nor shall any manager, officer, or agent of the incorporation be allowed, directly or indirectly, to borrow any money or moneys from the said institution, or to use the same, except to pay necessary expenses; nor shall they have or hold any bonds, mortgages, or other securities for the payment of money drawn or endorsed by, or existing against any manager, officer, or agent of the institution; and no manager or officer shall have any interest in any of the deposits, or the profits arising from

Officers not to receive compensation.

the same, except it may be due for deposits made by them as trustees, for the benefit of others.

Invest-
ments.

7. *And be it enacted*, That the said corporation shall invest no money in any other public stocks than such as are created under the laws of the United States or of this state, nor on bonds and mortgages, except on unencumbered real estate worth at least double the amount of the sum invested, nor in the stock or loans of any incorporated company whatever.

Certificates
of deposit.

8. *And be it enacted*, That all certificates or evidence of deposit, made under the hand of the proper officer of the corporation, shall be as binding as if the same were under their common seal.

Deposits of
minors.

9. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor, being a minor, such sums as may be due to such depositor, not exceeding five hundred dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor, duly appointed; *provided*, such deposit shall have been personally made by such depositor, and not by any other person, for his or her benefit.

Payment of
deposits in
case of de-
positor.

10. *And be it enacted*, That a book shall be kept at the office of the corporation, in which every depositor shall be at liberty to appoint some person or persons to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will; and all payments made to such persons so appointed shall be a full discharge to said corporation; and should no such appointment be made, such deposit, on the decease of the depositor, shall be paid to his or her legal representatives.

Deposits of
less than \$1
not receiv-
ed.

11. *And be it enacted*, That the corporation shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on any deposit until it amounts to the sum of five dollars, nor to pay interest on the fractional part of five dollars; and, to avoid the calculation of days on small sums, they shall not be required to allow interest for the fractional parts of a month.

Deposits to
be entered.

12. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation; and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

13. *And be it enacted*, That the managers shall have power

to fill up by ballot, after notice of one month, any vacancy ^{Vacancies, which may occur in their own body or officers, two-thirds of the members present to agree to all removals and new appointments; and no appointment or removal to take place when a less number than two-thirds of the managers are present.} ^{how supplied.}

14. *And be it enacted*, That it shall be the duty of this incorporation to make an annual report to the legislature of this state, under the oath or affirmation of its president, secretary, and treasurer, or any two of them, of the state of its funds; which statement shall be published in one or more newspapers in the city of Newark. ^{Annual report to be made.}

15. *And be it enacted*, That the office or place of business of the said incorporation shall be in the city of Newark; and that the books of the said corporation shall be at all times open to such person or persons as the legislature may, from time to time, delegate for inspection and examination. ^{Place of business of corporation}

16. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts favourably and benignly for every beneficial purpose therein intended; and that no misnomer of the said corporation, in any deed, gift, grant, or demise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties; *provided also*, the legislature may at any time hereafter amend, alter, or repeal this act. ^{Public act. Provide.}

17. *And be it enacted*, That this corporation shall continue in force twenty years, unless sooner repealed by the legislature; and that this act shall take effect immediately. ^{Act, when to take effect.}

Approved February 25, 1847.

AN ACT to incorporate the South River Milling and Manufacturing Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Jacob Van Wickle, Abraham W. Brown, Andrew J. Disbrow, Hercules Western, and James C. Stout, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the South River Milling and Manufacturing Company," ^{Names of incorporators} ^{Style and general powers.}

for the purpose of milling and manufacturing, and for the transaction of such business as may be necessarily connected therewith; and may erect such mills and other works and buildings as may be required to carry on such branches of milling and manufacturing, as they may think most advantageous; and may purchase and hold such personal and real estate and property as may be necessary, useful, and convenient for the said corporation for carrying on their business, together with all such real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of any debt or debts previously created in their business, or purchased at any sale upon any judgment which shall have been obtained for any debt or liabilities, and to dispose of the same; and are hereby authorized to erect and construct a dam across South river, in the county of Middlesex, above sloop navigation, at or near the bridge first above the railroad bridge crossing said river; *provided*, the water is not thereby caused to flow back on any mill erected on said stream above the said dam, and to attach and connect the dam to land situate in the township of South Amboy, belonging to Hercules Western or others, and to lands situate in the townships of Monroe and North Brunswick, belonging to Jacob Van Wickle or others.

Books of subscription to be opened.

2. *And be it enacted*, That the capital stock of said company shall not exceed twenty-five thousand dollars, to be subscribed for in shares of fifty dollars each; and that the said Jacob Van Wickle, Abraham W. Brown, Andrew J. Disbrow, Hercules Western, and James C. Stout, or any three of them, may open books and take subscription for the capital stock of said company, first giving two weeks' notice in one or more newspapers published in the county of Middlesex, of the time and place and object of said meeting; and, as soon as two hundred and fifty shares of said stock shall be subscribed for the persons above named, or any three of them, may, in like manner, call a meeting of the stockholders for an election of five directors, who shall hold their office, respectively, until the first Monday in January next ensuing and until others be appointed.

Time and mode of annual election of directors.

3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president: and after the first Monday of January next ensuing after the first election, shall hold their office for one year and until others shall be elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors, the

stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, on the first Monday of January, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders judges of the election.

4. *And be it enacted*, That as soon as twenty dollars on each share subscribed of the capital stock of said company shall have been paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county of Middlesex, it shall and may be lawful for the said company to commence their business; and the said president and directors, or a majority of them, shall have power to call in said stock from time to time, in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid, not exceeding ten dollars on each share, for every one instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of six months after the expiration of the thirty days' notice as aforesaid, to pay his or their respective instalment or instalments on his or their respective share or shares, so called as aforesaid, then the stock of such stockholder or stockholders so neglecting or refusing, and all previous payments thereon, may be forfeited to the said company, for the use and benefit of said company.

When company may commence business.

5. *And be it enacted*, That the stock of the said company shall be deemed personal property, and shall be transferable on the books of the said company, or in such manner as shall be prescribed by the by-laws of said corporation.

Stock transferable.

6. *And be it enacted*, That in case at any time it should happen that an election shall not be held upon the day designated for that purpose by this act, the corporation shall not be deemed to be dissolved for that cause; but it shall be lawful for the stockholders to hold such election on such other day or days as shall be prescribed by the by-laws of the said corporation, of which public notice shall be given, as provided in the second section of this act.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That a majority of the directors for the time being shall constitute a board for transacting the business of the said corporation, and shall have power to make and enforce by-laws.

Board of directors.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be re-

Books of accounts to be kept.

gularly entered all the transactions and business of the said corporation ; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept for that purpose.

General powers.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions and liabilities, set forth an act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved February 25, 1847.

A supplement to an act entitled, "An act to incorporate the Gloucester Land Company," approved February sixteenth, eighteen hundred and forty-six.

Part of former act repealed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the Gloucester Land Company shall be divided into one hundred shares, of five hundred dollars each ; and that so much of the seventh section of the act to which this is a supplement, as requires the said capital stock to be divided into fifty shares, of one thousand dollars each, be, and the same is hereby repealed.

Approved February 25, 1847.

AN ACT to authorize and empower the inhabitants of the township of Greenwich, in the county of Cumberland, to raise, by tax, money for the purpose of making certain improvements.

Tax authorized to be raised to build wharf.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Greenwich, in the county of Cumberland, are hereby authorized and empowered, at their annual town meeting or any special town meeting duly held for that purpose, to raise by tax, in the same manner as other moneys are raised for township purposes, any sum or sums of money, not exceeding in

the whole the sum of five hundred dollars, for the purpose of erecting a wharf on the land claimed by said township, situate in front of the town of Greenwich, at the foot of Main-street of said town, on Cohansey creek; and also such sum or sums of money, as from time to time may be necessary to keep the same in repair, for the use and benefit of the said township of Greenwich: and to make such regulations for the use thereof, as a majority of the persons qualified to vote at the several town meetings may from time to time, at their said town meetings, direct; *provided*, that the wharves and premises adjacent to the site of such proposed wharf, owned by John Sheppard and John E. Sheppard, be exempted from said tax or taxes for the purposes aforesaid assessed.

2. *And be it enacted*, That this act shall take effect immediately after it shall have been approved by a majority of votes at the annual town meeting or any special town meeting duly called by said township. Act, when
to take ef-
fect.

Approved February 25, 1847.

AN ACT to incorporate the Burlington Steam Power Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Morris, Richard B. Jones, George Gaskill, Thomas Milnor, Ira B. Underhill, Amor W. Archer, Charles Vansciver, Joshua W. Collet, Jacob Laumaster, John Larzelere, Elwood Conner, and Samuel W. Earl, and their associates and successors, shall be, and they are hereby made a body corporate, by the name of "the Burlington Steam Power Company," for the purpose of erecting one or more buildings, and of placing therein such and so many steam engines as may by them be deemed necessary to furnish a sufficiency of power; the same, with room, either within or without the said building or buildings, to be leased to such manufacturers and others as may desire to use and occupy them, or any portion of them, in such quantities and at such rates as may be determined on between the said company and the said lessee, as well as for the purpose of transacting such business as may be necessarily connected with the objects of the said corporation; and that the said company may hold such lands, tenements, steam and water power, and water privileges, in the city of Burlington, and also such personal estate as may

Names of
corporators

Style and
general
powers.

be necessary for conducting the business of the company in a proper manner; and that the said company may at any time use such portion of the steam or water power aforesaid for manufacturing purposes or for other mechanical operations, and may transact such business as may be necessarily connected therewith; and that the said Edmund Morris, Richard B. Jones, George Gaskill, Thomas Milnor, Ira B. Underhill, Amor W. Archer, Charles Vansciver, Joshua W. Collett, Jacob Laumaster, John Larzelere, Elwood Conner, and Samuel W. Earl, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of the said company.

Amount of capital.

2. *And be it enacted*, That the capital stock of the said company shall not exceed twenty thousand dollars, to be subscribed for in shares of twenty dollars each; and as soon as three hundred shares have been subscribed for, the persons above named may, by public notice in a newspaper published in the city of Burlington, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Election of directors.

3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of the election; and the said president and directors, or a majority of them, may make by-laws, and may appoint such officers, superintendents, agents, and workmen, with such compensation as they may think proper, and may remove the same at their pleasure.

When to commence business.

4. *And be it enacted*, That, as soon as four thousand dollars of the capital stock of said company shall have been paid, and an affidavit thereof shall be made by a majority of the associates named in this act, and filed in the clerk's office of the county of Burlington, it shall and may be lawful for the said company to commence their business; and the said president

and directors, or a majority of them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid, not exceeding five dollars on each share for every one instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of three months after the expiration of the thirty days' notice as aforesaid, to pay his or their respective instalment or instalments on his or their respective share or shares so called as aforesaid, then the stock of said stockholder or stockholders so neglecting or refusing, and all previous payments thereon, may be forfeited to the said company, for the use and benefit of said company.

5. *And be it enacted*, That the stock of the said company shall be deemed personal property, and shall be transferable on the books of said company, or in such manner as shall be prescribed by the by-laws of said corporation. Stock transferable.

6. *And be it enacted*, That a dividend of the profits of said company (except so much as may be set apart for a surplus fund) shall be made semi-annually, by the said president and directors, among the stockholders; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books to be kept by the president and directors for that purpose. Transfers registered.

7. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the president and directors of said company for the time being shall at any time neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if, at any election of directors, two or more stockholders shall receive an equal number of votes, then the directors for the time being shall determine by ballot which of such stockholders shall be directors; and on the death or resignation of any of the directors, the remaining directors shall choose, from among the stockholders, some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election. Notice to be given of election of directors.

8. *And be it enacted*, That in case it should happen that an election for directors should not be held or made on the day on which, pursuant to this act, it ought to have been held and made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice. Company not dissolved for failure to elect on day prescribed.

Limitation. 9. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.
Approved February 25, 1847.

Supplement to an act entitled, "An act to erect a part of the township of Nottingham, in the county of Mercer, into a borough, to be called the Borough of South Trenton," passed February twenty-eighth, eighteen hundred and forty.

Preamble. WHEREAS it has been represented to this legislature, by the petition of the burgesses and inhabitants of the borough of South Trenton, in said state, that the present act of incorporation of said borough has, by experience, been found insufficient to answer the good purposes thereby intended—therefore,

**Burgesses
to act as
justices.**

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That, for the better governing of the said borough, and the inhabitants thereof, the burgesses shall be entitled to use and exercise the like power, authority, and jurisdiction, in all criminal matters, as the justices appointed in and for the several counties of this state are or may be by law entitled to use and exercise.

**Burgesses,
&c. author-
ized to pass
ordinances.**

2. *And be it enacted*, That the burgesses and inhabitants of the said borough shall have full power, from time to time, to pass ordinances for the more effectual suppression of vice and immorality, or preserving peace and good order, preventing or restraining riots, routs, disturbances, or disorderly assemblages, in any street, house, or place in said borough, and to pass such other by-laws and ordinances for the better regulation of said borough as they may deem expedient, not repugnant to the constitution of this state or of the United States, and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, either by imprisonment not exceeding seven days in the county jail, or by a fine not exceeding fifty dollars, recoverable, with costs, in an action of debt; by any person, in the name of the collector of said borough; and the fine to be applied to and for the use of said

borough; *provided always*, that each and every ordinance so passed as aforesaid, shall be published for the space of twenty days in, at least, one newspaper published or, circulated in Trenton or South Trenton, before said ordinance shall go into effect.

3. *And be it enacted*, That, in addition to the high constable now elected at the annual borough election, it may be lawful for the burgesses, or a majority of them, to appoint one or more constables, not exceeding five, for the better preservation of the peace in said borough; to have the same powers, receive the same fees and compensation for their services, as the township constables now have; to be under the same rules and regulations, with sufficient sureties. Appointment of constables.

4. *And be it enacted*, That the burgesses, or a majority of them, shall have power to appoint a night watch or watchmen, whenever they shall consider it expedient, the services of the said watchmen to be paid by the borough. Night watch.

5. *And be it enacted*, That the burgesses are hereby empowered to cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient for borough purposes; but such sum shall not exceed one thousand dollars in any one year, including what shall have been ordered by the inhabitants at their annual borough meeting. Tax may be levied.

6. *And be it enacted*, That, in addition to the several officers now elected by the present act, there shall be elected, at the borough annual election, three commissioners of appeal, each and every year respectively, to hear and determine all appeals in cases of taxation, who shall meet at such time and place as the burgesses shall appoint, of which meeting ten days' notice shall be given by the clerk, by advertisement set up in five of the most public places in the borough. Commissioners of appeal.

7. *And be it enacted*, That in case of the nonpayment of taxes at the time appointed, the collector of the borough shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to some justice of the peace of the county, between the first day of July and the twentieth day of September in every year, on such day between those dates as the burgesses shall direct. Returns to be made in case of non-payment of taxes.

8. *And be it enacted*, That any person who may think himself or herself aggrieved by any fine under any of the ordinances of said borough, may appeal to the court of common pleas of the county of Mercer from the decision of the burgesses; the party demanding such appeal shall enter into a bond, with at least one good and sufficient surety, being a free. Appeals from fine.

holder in said borough, and in double the sum for which such judgment was given, conditioned that the appellant shall appear and prosecute the said appeal in the said court of common pleas of the county of Mercer, shall stand to and abide the judgment of the said court, and pay such further costs as shall be taxed, if the judgment be affirmed.

Inhabitants
may be wit-
nesses and
jurors.

9. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigations of any fact, to which issue or investigations the burgesses and inhabitants of South Trenton are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of said borough; and if any person shall be sued or impleaded, by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Borough to
be divided
into two
road dis-
tricts.

10. *And be it enacted*, That in raising money for borough purposes, either by the inhabitants, at their annual meetings, or by the burgesses, by virtue of this act, the amount to be raised for roads shall be particularly specified; and that said borough shall be divided into two road districts, the middle of the Lambertson road to be the dividing line between them; and that the road money derived from each district, shall be expended in the district from which it is derived.

Act, when
to take ef-
fect.

11. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1847.

AN ACT to authorize Charles G. Allen to build, maintain, and keep in repair a dock or wharf in front of his lands, in the township of Shrewsbury, in the county of Monmouth.

Preamble. WHEREAS Charles G. Allen, of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, hath, in his petition, represented that he is the owner of certain lands, situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of the Navesink, or North river, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or

wharf, extending a sufficient distance into said river for the accommodation of vessels navigating the same—therefore,

1. **BE IT ENACTED** *by the Senate and General Assembly of* ^{C. G. Allen} *the State of New Jersey,* That it shall and may be lawful for ^{authorized} Charles G. Allen, his heirs and assigns, to build, maintain, and ^{to build} keep in repair a dock or wharf upon and in front of his own lands in the township of Shrewsbury, in the county of Monmouth, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided,* that this act shall not affect the legal rights of any person whatever.

2. *And be it enacted,* That if any person or persons shall in any way injure the said dock or wharf, such person or persons ^{Penalty for} shall be responsible, and shall make good all damage which ^{injuring} the owners may sustain, recoverable by action of trespass in ^{dock.} any court having jurisdiction of the same.

Approved February 26, 1847.

A supplement to the act entitled, "An act concerning Roads."

1. **BE IT ENACTED** *by the Senate and General Assembly of* ^{Proceed-} *the State of New Jersey,* That when a public road, or any ^{ings in case} alteration in a public road, shall be considered necessary, and ^{of laying} the same shall run through, or be intended to be laid out in ^{out or al-} three different and adjacent counties, application in writing ^{tering pub-} shall be made to the supreme court by ten persons in each of ^{lic road.} the said counties, being freeholders and residents therein, having first advertised such intended application, as also, the day on which such application is intended to be made, for at least three weeks, at four of the most public places in each of the said counties nearest the place where such road is to be laid out, vacated, or altered; and the supreme court, on such application, shall appoint three of the surveyors of the highways in each of the said counties, having a regard to the appointment of the surveyors of the highways of those townships where the said road shall be so applied for to be laid out, vacated, or altered, subject to the restrictions imposed by the second section of the act to which this is a supplement, who shall meet at such time and place as the said court shall direct;

and the said applicants and surveyors shall thereupon proceed in the manner prescribed in said section.

Persons aggrieved may appeal.

2. *And be it enacted*, That when any person or persons shall think him, her, or themselves injured or aggrieved by any road which shall be hereafter laid out, vacated, or altered by the said surveyors, where the said road shall be laid out or situate in three different and adjacent counties, having entered a caveat with the clerk of the supreme court, as prescribed in the act to which this is a supplement, he, she, or they, or their legal representatives, may make application in writing to the supreme court next succeeding; and the said court shall thereupon, during the term to which the said application is made, appoint two of the chosen freeholders in each of the said counties, designating the time and place of the meeting of said freeholders, always having regard to the appointment of the freeholders of the township or townships where the road shall have been laid out, vacated, or altered, subject to the same provisions and restrictions as in the seventh section of the act to which this is a supplement; and the said applicants and freeholders shall thereupon proceed as is directed and prescribed in the ninth section of the said act.

Majority of surveyors, &c., to sign return.

3. *And be it enacted*, That the signature of a majority of such surveyors or freeholders, one of whom shall be from each of said counties, shall be necessary to render the return of any such road valid or effectual.

Approved February 26, 1847.

AN ACT authorizing the administrators of Thomas Cocks, deceased, to fulfil a certain contract.

Preamble. WHEREAS it is represented that Thomas Cocks, deceased, in his lifetime, and John S. Cocks, his brother, both of the county of Middlesex, in the state of New Jersey, in April, eighteen hundred and forty-five, entered into an unwritten agreement mutually to exchange title deeds and possession of two several lots of land, situate in the township of South Brunswick, in the county aforesaid, the lot which belonged to the said John containing nearly fourteen acres, and adjoining lands of the said Thomas Cocks, deceased, David J. Perrine, and the road leading from the Plain tavern to Princeton; and the lot which belonged to the said Thomas,

containing eight acres, more or less, lying on the road leading from the Plain tavern to Stockton's mills, and adjoining lands of William and Apollo McCabe; and whereas, immediately after the making of said agreement, the said parties thereto exchanged possession of said lots of land, but before the title deeds for the same were executed the said Thomas Cocks died intestate, leaving a widow and three infant children; and whereas the said John is ready and willing to execute and deliver to the legal representatives of the said Thomas, deceased, a good and sufficient deed for the said fourteen acre lot, as soon as he shall receive a good and sufficient deed for the eight acre lot; and whereas it is represented that a fulfilment of said contract would be beneficial to the interests of the legal representatives of said Thomas Cocks, deceased, as the said fourteen acre lot is advantageously adjoining other lands of the estate of the said Thomas Cocks, deceased; and whereas Phebe Ann Cocks, the widow of the said deceased, and Aaron G. Cocks, to whom letters of administration of the said estate have been granted, have prayed for legislative aid in the premises—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Phebe Ann Cocks, administratrix, and Aaron G. Cocks, administrator of Thomas Cocks, deceased, are hereby authorized to make, execute, and deliver to the said John S. Cocks, his heirs and assigns, a good and sufficient deed of conveyance of all the estate, right, title, and interest of the said Thomas Cocks of, in, and to the aforesaid eight acre lot of land, situate in the township of South Brunswick aforesaid; *provided*, the said John S. Cocks execute and deliver to the legal representatives of the said Thomas Cocks, deceased, a good and sufficient deed for the said fourteen acre lot of land as aforesaid; which said deeds shall be as valid and of the same effect in law as if they had been duly executed by the parties to the said agreement, at the time of the entering into the same.

Administrators authorized to make deed.

2. *And be it enacted*, That in case the said widow of the said Thomas Cocks, deceased, shall release her right of dower in the aforesaid eight acre lot of land, she shall be entitled to dower in the said fourteen acre lot of land, as if the same had been conveyed to the said Thomas in his lifetime.

Widow's dower.

Approved February 26, 1847.

AN ACT for the relief of Moses Samson, of the county of Morris.

\$50 per annum to be paid to M. Samson.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be authorized and required to pay to Moses Samson, of the county of Morris, a soldier of the Revolution, or his order, the sum of fifty dollars per annum during his natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made on the fourth day of March next.

Approved February 26, 1847.

AN ACT to incorporate the Martinville Mining Company.

Preamble. WHEREAS William K. Tucker has, in behalf of himself and his future associates, by his petition set forth, that he is in possession of considerable mining districts near Martinville, in the county of Somerset, containing mines of copper and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof, in such manner as they may think proper—therefore,

Corporators.

I. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That William K. Tucker, and such others as may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the Martinville Mining Company;" and, by that name, they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, and hereditaments, in the county of Somerset, and such goods, chat-

Style of incorporation and general powers.

tels, wares, and merchandise as will be necessary to the object of the incorporation.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Wednesday of July, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Somerville; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

4. *And be it enacted*, That the capital stock of the said corporation shall be the sum of fifty thousand dollars, with liberty to increase it to one hundred and fifty thousand dollars, and that a share in the said stock shall be fifty dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exceeding ten dollars on each share at any one time, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in the newspaper before mentioned.

5. *And be it enacted*, That a majority of the directors for the time being, provided the said majority are owners of a ma-

Time and mode of annual election of directors.

Corporation not dissolved for failure to elect on day prescribed.

Amount of capital stock.

Powers and duties of directors.

majority of the number of shares owned by the whole of the said board of directors, shall form a board or quorum for the transaction of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper touching the concerns of the said corporation; and shall also have power to appoint and employ so many officers, clerks, and workmen for carrying on said business, and with such salaries and allowances as to them shall seem meet; and shall, furthermore, have power to hold such special meetings of their board at Boston, in the state of Massachusetts, as a majority of their number may elect.

Restrictions.

6. *And be it enacted*, That nothing in this act contained shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes than are herein before expressed.

Stocktransferable.

7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable.

Transfers to be registered.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be endorsed or registered in the book or books, to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders.

Former contracts obligatory on company.

9. *And be it enacted*, That the contracts entered into by the said William K. Tucker touching and concerning leases of any part of the said tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Limitation.

10. *And be it enacted*, That this act shall be and continue in force for and during the term of thirty years from the passing thereof, and no longer; and that the legislature may alter, modify, or repeal this act, whenever in their opinion the public good may require it.

Approved February 26, 1947.

AN ACT to change the names of Richard H. Smith, Mary D. Smith, and Francis M. Smith, of the county of Camden.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the name of Richard H. Smith, of the city and county of Camden, be, and the same is hereby changed to Richard Smith Trowbridge; and by that name the said Richard H. Smith shall hereafter be known and distinguished, and be authorized to acquire, hold, and transmit property, and do all other lawful acts and things. Name of Richard Smith changed.

2. *And be it enacted*, That the name of Mary D. Smith, the wife of the said Richard Smith Trowbridge, late Richard H. Smith, be changed to Mary D. Trowbridge, and the name of Francis M. Smith, the son of the said Richard and Mary, be changed to Francis M. Trowbridge. Name of Mary D. Smith and Francis M. Smith changed.

3. *And be it enacted*, That this act shall be so construed as in no wise to enlarge, restrain, or alter the legal rights and liabilities of the parties hereby authorized to change their names as aforesaid. Legal rights of parties not altered.

Approved February 26, 1847.

AN ACT to authorize Andrew Brown to build, maintain, and keep in repair a dock or wharf in front of his lands, in the township of Middletown, in the county of Monmouth.

WHEREAS Andrew Brown, of the township of Middletown, in the county of Monmouth, and state of New Jersey, hath, in his petition, represented that he is the owner of certain lands, situate in the township of Middletown, in the county of Monmouth, adjoining waters of the Navesink, or North river, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said river for the accommodation of vessels navigating the same—therefore, Preamble.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Andrew Brown, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his own lands, in the township of Middletown, in the county of Mon- A. Brown authorized to build dock.

mouth, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, that this act shall not affect the legal rights of any person whatever.

Penalty for
injuring
dock.

2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved February 26, 1847.

AN ACT to incorporate the Alleghany Mining Company.

Names of
corporators

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Doct. William P. Clark, Charles Bartles, James Hunt, Alexander V. Bonnell, and Peter L. Clark, and such others as are or may hereafter be associated with them, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Alleghany Mining Company," to be located in the county of Warren, in the state of New Jersey.

Time and
mode of an-
nual elec-
tion of di-
rectors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, who shall be annually elected on the second Tuesday of January, at such time of the day, and at such place in the county of Warren, state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Belvidere and in one of the newspapers printed in the city of Trenton; and the election shall then and there be made, by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such

vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within ninety days after the passage of this act, twenty days' notice, in the papers aforesaid, to be given of said election by the persons named in the first section of this act; and the directors so elected shall serve until the second Tuesday of January, A. D. eighteen hundred and forty-eight.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Corpora-
not dissolv-
ed for fail-
ure to elect
on day pre-
scribed.

4. *And be it enacted*, That the capital stock of the said corporation shall consist of the tracts of lands, mines, mining privileges, minerals and ores, engines, smelting furnaces, and all the improvements thereon, situated and being in the said county of Warren, belonging to the above named corporators, or which they or the said company may hereafter acquire, not exceeding in value the sum of two hundred thousand dollars, which shall be divided into ten thousand shares, of twenty dollars each; and it shall be lawful for the directors of said corporation to assess, from time to time, upon each share of the stock of said corporation a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days; and it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock; *provided*, that two-thirds in interest of the stockholders of said corporation shall advise and consent thereto, at a meeting of the stockholders called for this purpose, and notice given of the same, as provided for in the second section relating to election of directors; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given, as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessments remain unpaid for the period of thirty days after notice shall have been given, in such form as the directors may ordain in the by-laws, to the stockholder that such assessment was due and unpaid.

Amount of
capital
stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation.

Majority of
directors to
form board.

6. *And be it enacted*, That the stock of the said corpora-

Stock transferable. tion shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation.

Transfers to be registered. 7. *And be it enacted,* That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose; which book shall at all times be open to the inspection of the stockholders.

Limitation. 8. *And be it enacted,* That this act shall continue in force for the term of twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Individual rights not to be affected. 9. *And be it enacted,* That nothing herein contained shall be so construed, or shall so operate, as to deprive any person of any right or interest he, she, or they may have in the mining lands which may be purchased, or have or may be contracted for or contemplated to be conveyed to this company, except by a legal grant of the same.

Approved February 26, 1847.

AN ACT to incorporate the Somerville and Easton Railroad Company.

Names of corporators. 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Garret D. Wall, Thomas A. Hartwell, William Thompson, John O. Sterns, John Kean, George H. Pegram, and William P. Robeson, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Somerville and Easton Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient for the objects of this incorporation.

Style.

Amount of capital stock. 2. *And be it enacted,* That the amount of the capital stock of said company shall be twelve hundred thousand dollars, with liberty to increase the same to two millions of dollars, and shall

be divided into shares of fifty dollars each; which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, and, as soon as the same shall be subscribed, to give notice for a meeting of the stockholders, to choose nine directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder hereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Books of subscriptions to be opened.

Election of directors.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but such election may be held at any other time; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the capital stock of said company, by such instalments and at such times as they may direct; and in case of the nonpayments of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and regulation of the

Powers and duties of directors.

stock, property, estate, and effects of the said corporation; and also shall have power to appoint a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company
authorized
to construct
railroad.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, or lateral roads, from one or more suitable place or places in the village of Somerville, northerly in the most direct and feasible route to the Musconetcong valley, passing to the north, or within two miles of the village of Clinton, in the county of Hunterdon; thence passing down the valley of the Musconetcong, or any valley northward, to the valley of the river Delaware; thence up the Delaware to one or more suitable place or places within two miles of the Easton Delaware bridge, opposite to the village or borough of Easton, in the state of Pennsylvania, with a branch from any convenient point on the route of said road to the village of Belvidere, in the county of Warren, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such railroad or lateral and branch roads, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road or lateral and branch roads shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad or railroads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or

owners of such lands be first had and obtained; *provided nevertheless*, that the said road or lateral roads shall in no way impair the chartered rights, or interfere with the Camden and Amboy Railroad and Transportation Company and Delaware and Raritan Canal Company, in the transportation of passengers or merchandise between Philadelphia and New York, hereby to diminish the revenue of this state, under the penalty of a forfeiture of its chartered rights and franchises.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, as shall be paid by the said company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter,

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together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Persons aggrieved may appeal. 8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report.

9. *And be it enacted*, That it shall be the duty of the said Company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road or roads, or four cents per mile for carrying each passenger on said railways in the carriages of the company, or three cents per mile for each ton of property transported, or two cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

13. *And be it enacted*, That the said company may have

What real and personal property company may hold.

and hold real estate, at the commencement and termination of said road or roads at Somerville and the Delaware river, and at intermediate depots upon the line of the said road, not exceeding five acres at each place; and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property, and the construction of cars, carriages, steam engines, and for other necessary uses; and shall also have the privilege and authority to erect, build, and maintain, at the Delaware river, or within thirteen miles of the borough of Easton, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; which said lands shall be obtained in the manner provided for in the seventh section of this act.

Statement of amount of cost, &c. to be filed.

14. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, until the net income of said road shall amount to six per centum upon the amount of its costs; and as soon as the net proceeds of said railroad shall amount to six per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Corporation may borrow money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises, and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per cent. per annum.

State to have privilege of purchasing railroad.

16. *And be it enacted*, That any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisalment of the said road, and the appendages thereof, to be made by six persons,

three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after their said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisal, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisal as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of valuation of said road, with the lands and appendages thereof. Proviso.

17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the fourth day of June next ensuing, that then and in that case this act shall be void. Time of completion.

18. *And be it enacted*, That the legislature shall have the right to subscribe for the stock of the said company, to the amount of twenty-five thousand dollars, at any time before or within twelve months after the said road or roads are completed. Legislature may subscribe for stock.

19. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever, and shall take effect immediately after the passage thereof. Public act.

Approved February 26, 1847.

AN ACT to incorporate the Hudson Manufacturing Company.

- Names of corporators** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Charles Goodyear, Charles J. Gilbert, Jonathan Trotter, James L. Curtis, Henry Wilkes, James E. Smith, and William F. Ely, their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, in fact and in name, by
- Style and general powers.** the name of "the Hudson Manufacturing Company," for the purpose of manufacturing India rubber, in all its varieties that they may be permitted to do; also, as connected therewith, to manufacture cotton, woollen, or other fibrous material; and also all machinery incident thereto, with power to purchase and hold the real estate formerly belonging to the East New-ark Land Company, in the county of Hudson, if they may deem it necessary, meet, and expedient so to do to carry out the purposes of this corporation, but no other real estate whatever, and to mortgage or sell the same, or any part or parts thereof, to aid in the establishment of any manufactory on the said premises connected with India rubber; with all such powers and privileges, and subject to such restrictions, limitations, and conditions as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except when otherwise granted in and by this act of incorporation; and this act
- Limitation.** shall continue in force for the term of twenty years.
- Amount of capital.** 2. *And be it enacted*, That the estate and property of the said company shall be divided into five thousand shares, of the par value of one hundred dollars per share; that the said shares shall be deemed and considered personal estate: it shall be lawful for the said company to grant certificates of full stock, in whole or in part payment for the consideration of the land that may be purchased, and to grant certificates of shares, and, by the by-laws, to compel the payment of instalments, not exceeding five dollars at any one time, required on any shares not deemed or declared full stock, and to forfeit the same, and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand; and subject always to the provisions for payment in the fifth section of the act concerning corporations, herein before referred to.
- First directors.** 3. *And be it enacted*, That Charles J. Gilbert, Jonathan Trotter, James L. Curtis, Henry Wilkes, and James E. Smith shall be the first directors to organize and manage the affairs of the said company, and shall continue in office until the first Thursday in May next, or until seven other persons shall, at

some convenient time and place, before or on the day last mentioned, be elected in their stead.

4. *And be it enacted*, That as soon as fifty thousand dollars, When company may commence business. in specie or bank notes of specie paying banks, shall be paid into the hands of the treasurer, to be appointed by the directors of this company, and a certificate thereof, duly sworn to before any person authorized to take affidavits in this state, shall be filed with the clerk of the county of Hudson, and a true copy thereof, certified by the said clerk, deposited in the office of the secretary of state, it shall be lawful for the said company to commence business.

5. *And be it enacted*, That, at the first election for directors, Time and mode of annual election of directors. there shall be seven persons, being stockholders, chosen to conduct and manage the affairs of this company; that the annual election for directors shall take place, after the first election, on the first Thursday of June, in every year, at some convenient place at Jersey City, or on the premises at East Newark, between the hours of twelve o'clock at noon, and two o'clock in the afternoon of that day; all elections shall be by ballot, and each share entitled to one vote; that two weeks' previous notice of such election shall be given in some newspaper to be published in the cities of New York and Newark, and in the county of Hudson; and if, from any cause, an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered.

6. *And be it enacted*, That the office of secretary of this Place of business. company shall be kept on the premises at East Newark, in the township of Harrison, and county of Hudson.

7. *And be it enacted*, That in the month of January, in each Annual statement. and every year, the directors of said company shall submit to the stockholders, under oath or affirmation, a written statement containing the amount of capital stock paid in, the amount of all existing debts against the company, and the amount of all its assets; which statement shall be recorded in a book, and be filed in the office of the clerk of the county of Hudson, for the inspection of the stockholders of the company; and no dividend shall be declared or paid to the stockholders, when such payment would render the company insolvent.

Approved February 26, 1847.

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A further supplement to the act entitled, "An act incorporating Jersey City," passed the twenty-second of February, A. D. eighteen hundred and thirty-eight.

Part of former act repealed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second proviso in the second section of the act entitled, "A supplement to the act entitled an act incorporating Jersey City," passed the eighth day of March, A. D. eighteen hundred and thirty-nine, be, and the same is hereby repealed.

Approved February 27, 1847.

AN ACT to authorize Calvin Tomkins to build and keep in repair docks, wharves, and piers upon and in front of his own lands, in the township of Shrewsbury, in the county of Monmouth.

Preamble. WHEREAS Calvin Tomkins, of the township of Shrewsbury, county of Monmouth, and state of New Jersey, hath, in his petition, represented that he is the owner in fee of a certain tract of land, situate in the township of Shrewsbury, county of Monmouth, adjoining waters of the North, or Navesink river, and hath prayed that a law may be passed authorizing him to build docks, wharves, and piers, so as to form a basin upon and in front of his own lands, extending a sufficient distance into the said river for the accommodation of vessels navigating the same, provided that he does not in any way interfere with the navigation of said river—therefore,

C. Tomkins authorized to build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Calvin Tomkins, his heirs and assigns, to erect and build all such docks, wharves, and piers, upon and in front of his own lands, in the township of Shrewsbury, county of Monmouth, and state of New Jersey, and from time to time rebuild and repair the same, and to lay vessels at said docks, wharves, and piers, and receive wharfage therefor, from all persons using the same; *provided*, that this act does not affect the legal rights of any person whatever.

2. *And be it enacted*, That if any person or persons shall

destroy or in any way injure the said docks, wharves, or piers, ^{Penalty for} such person or persons shall be responsible, and shall make ^{injuring} good all damage which the owner may sustain, recoverable ^{dock.} by action of trespass, in any court having jurisdiction of the same.

Approved February 27, 1847.

AN ACT to change the time for the collection of taxes in the township of Belleville, in the county of Essex.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the duty required of the assessors of the several townships, by the third section of the act entitled, "An act concerning taxes," shall be performed by the assessor of the township of Belleville, within fifteen days after the second Monday in July, hereafter; and the commissioners of appeal in cases of taxation in said township shall meet annually, on the second Tuesday of September, instead of the second Tuesday of November, as heretofore. ^{Time for assessment of taxes.}

2. *And be it enacted*, That the duty which the collector of said township is now required to perform by the tenth section of the act aforesaid, shall be performed on the first day of August, instead of the first day of October, in each year, hereafter; and the time of payment of moneys to the collector of the county of Essex, shall be the twenty-second day of October, instead of the twenty-second day of December, in each year; and the duty required of the collector of said township, by the twelfth section of said act, shall be performed on the twentieth day of October, instead of the twentieth day of December, in each year. ^{Time for collection of taxes.}

Approved February 27, 1847

AN ACT for the relief of Mary Garon, of the county of Burlington.

\$30 per annum to be paid to M. Garon.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Mary Garon, widow of Uriah Garon, a soldier of the Revolutionary war, or her order, the sum of thirty dollars per annum, during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made on the first day of March next; and the receipt of the said Mary Garon, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved February 27, 1847.

AN ACT to repeal the act entitled, "An act to incorporate the Mechanics Bank of Paterson," passed February the twenty-eighth, eighteen hundred and thirty-two.

Preamble.

WHEREAS, it is represented that the said bank was closed in the year eighteen hundred and thirty-four, by order of the court of chancery, and all the property and estate thereof placed by said court in the hands of receivers, as an insolvent institution; and the capital stock paid in has been exhausted in paying the debts of said bank, leaving outstanding debts unpaid; that an effort is now making to revive said bank by calling in payments upon the capital stock remaining, and putting in circulation new issues of said bank, which will result in a loss to the public, and discredit the present safe currency of the state—therefore,

Charter repealed.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Mechanics Bank of Paterson," be, and the same are hereby repealed; *provided always*, that nothing herein contained shall prevent a recovery by or from the said corporation, in legal form, of any money due and owing to and from the same, or to preclude the directors or stockholders from finally settling the affairs of said corporation.

Approved February 27, 1847.

AN ACT for the relief of Hester Reeves, of the county of Camden.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and hereby is authorized and required to pay to Hester Reeves, the widow of John Reeves, or her order, the sum of fifty dollars per annum during her natural life, in semi-annual payments of twenty-five dollars each, the first payment to be made the first day of March next; and the receipt of the said Hester Reeves, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts. \$50 per annum to be paid to H. Reeves.

Approved February 27, 1847.

AN ACT for the relief of Zelica Dare, widow of Eli Dare, deceased, of the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustee hereinafter appointed be, and is hereby authorized and empowered to cut and sell as much of the wood, timber, and swamp, belonging to the estate of Eli Dare, deceased, as he may deem necessary for the improvement of the farm, and for the future comfortable maintenance and support of Zelica Dare, widow of said Eli Dare, deceased, during her widowhood. Power of trustee.

2. *And be it enacted*, That James M. Newell be, and he is hereby constituted and appointed a trustee for and in behalf of the said Zelica Dare, and that before he enters upon the execution of said trust, he shall enter into bond to the said Zelica Dare, with good and sufficient security, in the sum of four hundred dollars, for the faithful performance of said trust; which said bond shall be approved by the surrogate of the county of Cumberland, and be filed in his office for the benefit of the said Zelica Dare. Trustee to give bond.

Approved March 1, 1847.

Supplement to an act entitled, "An act concerning landlords and tenants."

Tenants or
lessees, how
removed.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That any tenant or lessee at will, or at sufferance, or for part of a year, or for one or more years, of any houses, lands, or tenements, and the assignees, under-tenants, or legal representatives of such tenant or lessee, may be removed from such premises, by any justice of the peace of the county where such premises are situated, in the manner hereinafter prescribed, in the following cases :

1st. Where such persons shall hold over and continue in possession of the demised premises, or any part thereof, after the expiration of his or her term, and after demand made, and notice in writing given for delivering the possession thereof, by the landlord or his agent, for that purpose.

2d. Where such person shall hold over after any default in the payment of the rent, pursuant to the agreement under which such premises are held, and satisfaction for such rent cannot be obtained by distress of any goods, and a demand of such rent shall have been made, by three days' notice, in writing, requiring the payment of such rent, or the possession of the premises, shall have been served by the person entitled to such rent, upon the person owing the same.

Landlord
may make
oath in writ-
ing.

2. And be it enacted, That any landlord or lessor, his legal representatives, agents, or assigns, may make oath, in writing, of the facts which, according to the preceding section, authorize the removal of a tenant, describing therein the premises claimed, and may present the same to any justice of the peace of the county where the premises are situated.

Justice to
issue sum-
mons.

3. And be it enacted, That on receiving and filing such affidavit, such justice shall issue a summons, describing the premises of which possession is claimed, and requiring any person in possession of said premises, or claiming the possession thereof, forthwith to remove from the same, or to show cause before the said justice, at a certain place and time therein to be specified, not less than five, nor more than fifteen days from the date of such summons, why possession of such premises should not be delivered to such claimant.

Proof to be
made before
issuing
summons.

4. And be it enacted, That previous to issuing such summons in a case of tenancy at will, or at sufferance, or from year to year, the justice shall be satisfied by due proof that such tenancy has been terminated by giving notice in the manner prescribed by law.

5. *And be it enacted*, That the summons shall be served in the manner prescribed by the act constituting courts for the trial of small causes; the suit may be adjourned, and either party may demand and have a trial by jury of six men, according to the provisions of said act. Summons, how issued.

6. *And be it enacted*, That if, at the time appointed in the said summons, or at the time to which said suit may be adjourned, no sufficient cause be shown to the contrary, and it shall appear to the said justice or jury that the summons has been duly served, the said justice shall issue his warrant to any constable of the county, or marshal of the city or town in which the premises are situated, commanding him to remove all persons from the said premises, and to put the said claimant into the full possession thereof, and to levy and make the costs out of the goods and chattels of such person or persons in possession. Justice to issue warrant.

7. *And be it enacted*, That the proceedings had by virtue of this act shall not be appealed from or removed by certiorari; but the landlord shall remain liable in an action of trespass for any unlawful proceedings under this act. Proceedings not to be appealed from.

8. *And be it enacted*, That the same fees shall be allowed to the justice, constable, witnesses, and jurors, as are provided for like services by the act constituting courts for the trial of small causes; and the constable, for executing the process of possession, shall receive the sum of one dollar. Fees of officers.

9. *And be it enacted*, That this act shall go into effect immediately on the passage thereof. Act, when to take effect.

Approved March 4, 1847.

AN ACT respecting the estates of nonresident wards.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That in all cases where any guardian and his ward may both be nonresidents of this state, and such ward may be entitled to property of any description in this state, such guardian, on producing satisfactory proof to the ordinary or orphans' court of the proper county, by certificates according to the acts of congress in such cases, that he has given bond and security in the state in which he and his ward reside, in double the amount of the value of the pro- Guardian may remove property of nonresident wards.

perty, as guardian, and it is found that a removal of the property will not conflict with the terms or limitations attending the right by which the ward owns the same, then any such guardian may demand or sue for and remove any such property to the place of residence of himself and ward.

Resident
guardian,
&c., dis-
charged.

2. *And be it enacted*, That when such nonresident guardian shall produce an exemplification from under the seal of the office (if there be a seal) of the proper court in the state of his residence, containing all the entries on record in relation to his appointment and giving bond, and authenticated as required by the act of congress as aforesaid, the ordinary or orphans' court of the proper county in this state may cause suitable orders to be made discharging any resident guardian, executor, or administrator, and authorizing the delivering and passing over of such property, and also requiring receipts to be passed and recorded, if deemed advisable; *provided*, the benefits of this act shall not be extended to the citizens of any state in which a similar act does not exist, or may not hereafter be passed; *and provided also*, that in all cases thirty days' notice shall be given to the resident guardian, executor, or administrator of the intended application for the order of removal; and the court may reject the application, and refuse such order, whenever it is satisfied that it is for the interest of the ward that such removal shall not take place.

Act, when
to take ef-
fect.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1847.

AN ACT to authorize the chosen freeholders of the counties of Essex, Passaic, and Burlington to convert part of the jails in said counties into work-houses.

Preamble. WHEREAS it is desirable that the act of the legislature, passed the twentieth day of February, seventeen hundred and ninety-nine, entitled, "An act for the establishment of work-houses in the several counties in this state," should be carried into effect in the counties of Essex, Passaic, and Burlington—therefore,

Freehold'rs
authorized
to turn part
of jail into
work-house

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the boards of chosen freeholders of

the counties of Essex, Passaic, and Burlington be, and they hereby are authorized to convert such parts of the buildings known as the jails of their said counties, as to them may seem proper, into work-houses, taking care to reserve space and room enough in said buildings for the uses and purposes of the public jails, in order that the "Act for the establishment of work-houses in the several counties in this state," may be carried out as fully, to all intents and purposes, in said counties of Essex, Passaic, and Burlington, as though said work-houses had been built or purchased according to the first section of the aforesaid act.

Approved March 2, 1847.

AN ACT to authorize the freeholders of Cumberland county to make a draw in the bridge over Cedar creek, in said county.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the board of chosen freeholders of the county of Cumberland are hereby authorized, if they see proper, to make a draw in the bridge over Cedar creek, in Fairfield township, where the bridge now is.

Approved March 2, 1847.

A supplement to an act entitled, "An act concerning trespasses by swine," passed March fifteenth, seventeen hundred and ninety-eight.

WHEREAS serious inconvenience is felt by the inhabitants of the township of Salem, in the county of Salem, in consequence of the owners of swine permitting them to run at large—and whereas no adequate remedy is provided by law,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for any person who is a resident of said township of Salem to drive or convey to the pound in said township any swine found running at large.

large, and impound the same; and the keeper or keepers of the public pound in the said township are hereby authorized and required to receive all such swine; and the party shall have twenty-five cents per head for impounding each swine; and the keeper shall have the same fees for letting in and out of the pound; and for pounding, feeding, and attending, four cents per head for every twenty-four hours they shall continue in the pound; and if the owner or owners of the said swine so impounded shall not pay the charges of impounding within four days after such swine shall be impounded, and take the said swine away, it shall then be the duty of the said poundkeeper to set up advertisements in at least three of the most public places in the township, particularly describing such swine, and giving at least fifteen days' notice of an intended day and place of sale; and that if the owner or owners of such swine do not appear and redeem the said swine before the time so notified, the said poundkeeper shall sell the same accordingly, and, out of the moneys arising from such sale, shall pay the charges of conveying to the pound, and retain in his hands his fees for pounding, keeping, and feeding said swine, and twenty-five cents for the sale of each swine and collecting the money, and return the surplus to the owner of the swine; and if no owner shall appear and claim such overplus within six months after such sale, the same shall be paid to the overseer of the poor of the township, for the use of the poor of said township.

Approved March 2, 1847.

A supplement to an act entitled, "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and of the laws of the United States," approved April sixteenth, eighteen hundred and forty-six.

Printed statute laws of other states received as evidence.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the printed statute books and pamphlet session laws of any of the United States, printed and published by the direction or authority of such state, shall be received as evidence of the public laws of such state, in any court of this state; and that such court may determine whether any book or pamphlet, offered as such, was so printed or published, either from inspection or the knowledge of the judge or judges thereof, or from testimony, at his or their discretion:

and no error shall be assigned for the rejection of any book or pamphlet, offered as such, unless it be proved to said court that such book or pamphlet is received as a statute book or pamphlet containing the session laws of said state, in the courts of common pleas or higher courts of such state, whose statute book or pamphlet, containing the session laws, it purports to be; nor shall any error assigned for the admission of such book or pamphlet be sustained, unless it be shown, in support thereof, that the statute offered in evidence therefrom, or some material part thereof, was not in force in such state at the time of the transaction or matter to which it was offered as pertinent or material.

2. *And be it enacted*, That this act shall take effect immediately. Act, when
to take ef-
fect.

Approved March 2, 1847.

AN ACT to authorize the inhabitants of the township of Jefferson, in the county of Morris, and the inhabitants of the township of Mansfield, in the county of Warren, to vote by ballot at their town meetings.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the inhabitants of the township of Jefferson, in the county of Morris, and the inhabitants of the township of Mansfield, in the county of Warren, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee consisting of five persons, a town superintendent of common schools, as many justices of the peace as the said townships, respectively, may be constitutionally entitled to elect, and one or two constables; and shall also, upon the same ballot, vote for the amount of money to be raised for support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and for the places of holding the next an- Townships
authorized
to vote by
ballot

nual town meetings, and the election of state and county officers for said townships, respectively.

Officers of election.

2. *And be it enacted*, That the judge of election elected at the last or any future town meetings, shall preside at and conduct the elections at the next ensuing annual town meetings, and the clerks of the said townships, respectively, shall be the clerks thereof; and the officers of said elections shall be eligible to any office at said elections, except that of justices of the peace.

Elections, how conducted.

3. *And be it enacted*, That the elections shall open at ten o'clock in the morning, and close at four o'clock in the afternoon of the same day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall be; and the same duties shall devolve upon the judges of election and the clerks, as are to be performed by the board of election and the clerks in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Vacancies, how supplied.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county elections, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the said town meetings, or to fix the places of holding the next town meetings or state and county elections, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committees of said townships respectively shall, at their next meetings thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for those purposes advisable.

Township clerk to be clerk of town committee.

5. *And be it enacted*, That the clerks of the said townships, respectively, shall be clerks of the respective town committees, and shall keep a book of minutes of the proceedings of said committees, which shall at all times be open to the inspection of the voters of the townships; and when the town committees shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the person or persons

so appointed or chosen, and transmit a statement thereof to the clerk of said county.

6. *And be it enacted*, That the reports of the town committees, the overseers of the poor, and the town superintendents of common schools, shall be filed and preserved by the town committees; in posting up the list of officers elected, as required by law, the clerks shall add thereto the results of the elections in other particulars; the first elections under this act shall be held at the places appointed at the last town meetings, and all special town meetings at the place of holding the last preceding annual town meetings; the same ballot box shall be used at the town meetings, and provided by the clerks, which is used at the state and county elections; the judges of election and clerks shall receive the same compensation for attending any town meeting as for attending a state or county election and the town committees shall allow the clerks such compensation for the additional duties required by this act as they may deem reasonable.

Reports to
be filed.

7. *And be it enacted*, That this act shall take effect immediately.

Act, when
to take ef-
fect.

Approved March 2, 1847.

AN ACT for the relief of Elizabeth Stark, of the county of Morris.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is authorized and required to pay to Elizabeth Stark, widow of John Stark, a Revolutionary soldier, or her order, the sum of thirty dollars per annum during her natural life, in semi-annual payments of fifteen dollars each, the first payment to be made on the fourth day of March next; and the receipt of the said Elizabeth Stark, or her order, shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

\$30 per an-
num to be
paid to E.
Stark.

Approved March 2, 1847.

W*

A supplement to "An act to regulate fees."

Fees for searches.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That four cents for each book, and no more, be allowed for searching the records of deeds, mortgages, wills, or other records, for each name, in case there shall be more than one book of such records in any one year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1847.



AN ACT to incorporate the Haddonfield and Camden Turnpike Company.

Commissioners to open books of subscription.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Haddonfield and Camden Turnpike Company shall be opened by Joseph Porter, Samuel Nicholson, John Gill, Joseph W. Cooper, and Joshua P. Browning, or any three of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be twenty thousand dollars, with liberty for the said company to increase the same to fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when four hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Haddonfield and Camden Turnpike Company;" and by that name shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Style.

Subscriptions, how paid.

3. *And be it enacted*, That, at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as

one shall be appointed; and that the residue of the subscriptions shall be paid in instalments, and at such times and places, and to such persons, as the president and directors of the company shall, from time to time, direct and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments. Proviso.

4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company, be not subscribed for within two years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid in by them. Limitation of time for subscription.

5. *And be it enacted*, That when four hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of said books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than ten votes, although he or she may have a greater number of shares. Election of directors.

6. *And be it enacted*, That, within twenty days after the

Election of president. annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citizen of this state, and a resident in the county of Camden, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or, in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Powers and duties of directors. 7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state, and resident in the county of Camden, and all other officers, agents, superintendents, and servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts, as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Annual statement to be made. 8. *And be it enacted*, That, at the annual meeting of the stockholders, it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders a full and complete statement of the affairs of the company, during the said term.

Special meetings. 9. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as herein before directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meetings; unless a majority in value of the stockholders attend and con-

cur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

10. *And be it enacted*, That if, from any cause, any election herein before named, shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Corporation not dissolved for failure to elect on day prescribed.

11. *And be it enacted*, That it shall and may be lawful for the said company, to construct and make a turnpike road, four rods wide, from the village of Haddonfield, in the county of Camden, to some place within the corporate limits of the city of Camden, in said county, which turnpike road shall be constructed and made on and along the main public highway, leading from said village to said city; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ to enter from time to time, and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials for the construction or use of said road, doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the said highway aforesaid, they shall pay to the respective owners of the lands over which the said highway now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of such owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands for the constructing or maintaining of said turnpike road.

Company authorized to construct road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as nearly as may be, of the said highway, and shall be sufficiently arched and drained to make, and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road, at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make and maintain good and suffi-

Description of road.

cient bridges, where necessary, along the line of said road, not less than twenty-two feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin, or side, as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceed-
in case own-
ers of land
and compa-
ny cannot
agree.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, workmen, labourers, and other person or persons by them employed, with carts, wagons, and other carriages, and with their beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof; and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said lands; and to take and carry away any stone, gravel, clay, sand, earth, or other materials, there being, most conveniently situated, and being most suitable for making or repairing said road, the said owners or occupants of such lands being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within twelve months from the time of such damage sustained or materials taken away; and in case of a disagreement as to the amount of such damage sustained, or the value of such materials taken away, then it shall be lawful for either party to apply to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county of Camden, not being a stockholder or in any way interested, whose duty it shall be, upon such application, to appoint three judicious and disinterested freeholders of the state as appraisers; and thereupon the said appraisers, having given at least fifteen days' notice, in the manner aforesaid, of the time and place of their meeting, to each party, to meet at such time and place; and having taken an oath or affirmation fairly and impartially to inquire into and report the value of the said materials, and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisalment under their hands and seals, or the hands and seals of any two of them, and deliver the same to the clerk of said county of Camden, to be by him filed in his office, and remain of record therein; which said valuation and appraisalment shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such owner or owners of such lands, in any suit to be brought therefor; and every such owner or

owners of the said land, having first made demand of the said company for the amount so valued or appraised, may sue for and recover the same, by action of debt, with costs of suit.

14. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding three in number, and to demand and receive toll for travelling each mile of the said road not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	five mills.
For every dozen of calves, sheep, or hogs,	five mills.
For every dozen of horses, mules, or cattle,	two cents.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for the grinding of grain for his family's use, or horses, carriages, sleighs, or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Camden and Haddonfield; and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right as the law directs."

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on the said road for the information of the people

Rates of
toll.

Mile stones
to be erect-
ed.

Penalty for
injur-
ing
works.

travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
taking illegal
toll &c.

17. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for
obstructing
passage,
&c.

18. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of the said road, in the passing directions, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered, with costs of suit.

Company
to keep
bridges and
road in re-
pair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county of Camden, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall

meet at such time and place as the said justice may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavourable to the said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar, each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report, as aforesaid, their opinion to the said justice, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if, on the first view as before mentioned, the report of the persons appointed shall be in favour of the company, the same fees shall be allowed, as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

20. *And be it enacted*, That this act shall not take effect until the public highway upon which the said turnpike is authorized to be located and made is vacated as a public highway, according to law; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Act, when
to take ef-
fect.

Approved March 2, 1847.

A supplement to an act entitled, "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six.

Townships
to vote in
license
question.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the freeholders and inhabitants who are or shall be qualified by law to vote at town meetings, shall have full power, and they are hereby required to assemble and hold elections in the respective townships of this state, on the first Tuesday of December next, and determine by ballot, whether any license or licenses shall be granted within said township, authorizing any person or persons to utter and sell vinous, spirituous, or other intoxicating liquors.

Officers of
elections.

2. *And be it enacted,* That the officers in each township, city, borough, or ward, who are authorized by law to hold the annual state election, shall, on the day specified in the foregoing section, and at the place of holding the last annual state election, proceed; in the manner provided by law for holding such elections, to receive the ballots of the electors qualified as aforesaid, in which shall be written or printed the word "license," or the words "no license," and deposit the same in the box provided for that purpose.

Elections,
how con-
ducted.

3. *And be it enacted,* That the provisions of the twenty-fifth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth sections of the act entitled, "An act to regulate elections," shall apply to all elections held for the above purpose, except that the clerk, in heading the poll list, shall omit the words, "for members of," &c., and insert, in lieu thereof, the words, "to determine the question whether licenses shall be granted in said township for the sale of intoxicating liquors."

Manner of
voting, &c.

4. *And be it enacted,* That the manner of voting, and the mode of ascertaining the qualifications of voters, shall be the same as prescribed in said last mentioned act; and the same penalties therein prescribed for misconduct of the officers conducting said election, and for fraudulent voting, false swearing, bribery, or advising others to vote illegally, shall be in force in respect to elections provided for by this act.

Canvassing
votes.

5. *And be it enacted,* That the votes given at such election, shall be canvassed and estimated in the same manner prescribed in and by the fifty-fourth and fifty-fifth sections of the "Act to regulate elections," so far as the provisions thereof are applicable to the case; and the result shall be certified by the board of election, under their hands and seals, and trans-

mitted, within five days thereafter, to the clerk of the court, or other body authorized by law to grant licenses within the bounds of said township, to be by him filed as of record.

6. *And be it enacted*, That the officers holding such election, shall be entitled to the same fees as are allowed by law for like services in holding the annual state elections. Fees of officers.

7. *And be it enacted*, That if it shall appear that, at any such election so held as aforesaid, a majority of all the votes given in any one township shall be in favour of no license being granted, it shall not thereafter be lawful to license the sale of vinous, spirituous, or intoxicating liquors in such township, under any pretence whatever, until such determination shall have been reversed by vote, as hereinafter provided. No license granted, if township so decide.

8. *And be it enacted*, That whenever a decision shall have been made by the electors of any township, either for or against such licenses, and one-fourth as many of the legal voters of such township as voted at such election shall apply, in writing, to any justice of the peace of such township, to have the same question submitted again to the electors, it shall be the duty of such justice to order another election, to be held on the first Tuesday of December next thereafter; *provided*, that such applicants shall give notice that such application has been made, and such election will be held, by advertisement, signed by said justice, and posted up in five of the most public places in such township, to be designated by said justice in said notice, at least four weeks previous to the time of holding the same, and by publishing the same, for the like space of time, in at least one newspaper published in such township, if any there be, or in any newspaper published in this state, and known to have the largest circulation in such township; and such election, when so ordered and advertised, shall be conducted in all things and under the same regulations and penalties, and the results ascertained and certified, as herein before prescribed. New election may be ordered on next year.

Approved March 3, 1847.

AN ACT to extend the term of office of the surveyors of the highways in the county of Gloucester.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers and authority of the surveyors of the highways of the county of Gloucester, which are Term of office of surveyor of highways extended.

derived under the act entitled, "An act concerning roads," and the several supplements thereto, be, and the same are hereby extended and continued from the second Tuesday of March to the second Tuesday of May, yearly and every year, the election of new surveyors to the contrary notwithstanding; and the said surveyors who shall or may be appointed in road cases, as is by this act contemplated, shall have the same right and powers, and be as fully authorized to act in the laying out, vacation, alteration, or view of any public or private road in said county of Gloucester, during the period so named in this act, as fully, to all intents and purposes, as they, or any or either of them, were authorized to act prior to the said second Tuesday of March, in any year; and the right and legal authorities of surveyors so to act, shall be recognized and admitted in all courts of law and equity of this state, any thing contained in the present laws of said state to the contrary thereof, in any wise notwithstanding.

Approved March 3, 1847.

AN ACT to incorporate the Great Falls Manufacturing Company of Passaic county.

Names of corporators	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Aaron S. Pennington, Roswell L. Colt, junior, Philemon Dickerson, Cornelius G. Garrison, and Charles Danforth, and their associates and successors, are hereby made and created a body politic and corporate in law,
Style of in- corporation.	by the name of "the Great Falls Manufacturing Company," for the purpose of carrying on, in their various branches, the manufacture of cotton, flax, hemp, wool, silk, and other fabrics, in the county of Passaic, and for the transaction of such business, as may be necessarily connected therewith; and for this purpose may own, hire, or build all such mills or other works as may be required to carry on such branches of manufacture, and also the lands and water necessary therefor, with a capital of one hundred thousand dollars paid in, or satisfactorily secured to be paid, and with the right to increase the same, from time to time, to an amount not exceeding in all five hundred thousand dollars; and that each share of stock shall be one hundred dollars.

2. *And be it enacted*, That the said corporation may hire,

purchase, hold, and enjoy such leasehold property, personal or real estate, as may be required for the purposes of said corporation, and may dispose of the same; may sue and be sued in all courts of law and equity, and plead this act as the evidence of such authority; may have and use a common seal, and make such by-laws for their regulation and government as they see proper; *provided*, the same are not inconsistent with the constitution and laws of this state or the United States. General powers.

3. *And be it enacted*, That the capital stock shall be deemed personal estate, and be transferable upon the books of the said corporation; and no part of the said capital stock shall at any time, or upon any pretence whatever, be divided among the stockholders for dividends; and no dividend shall be made or paid, except from the actual profits; and each stockholder shall, in the election of directors, have one vote for each share of stock he holds in said company. Stock transferable.

4. *And be it enacted*, That no part of the capital stock shall be withdrawn or refunded to the stockholders, until all debts and liabilities of the company are fully paid; and in case of any violation of the provisions of this section, the president, directors, and stockholders of said corporation shall be personally liable in their own estate, jointly and severally, for all debts previously contracted and due from said company. Capital stock not to be withdrawn.

5. *And be it enacted*, That Aaron S. Pennington, Roswell L. Colt, junior, Philemon Dickerson, Cornelius G. Garrison, and Charles Danforth shall be, in the first instance, directors for conducting and managing the whole affairs of the company for the ensuing year, and until others shall be duly elected in their place; a meeting of the stockholders of the company, for the election of five directors and other purposes, may be held in Paterson, on the first Monday in October, in each year during the continuance of this charter, also for the purpose of considering on the course thereafter to be pursued; and the said directors then chosen shall hold their office until others are legally elected in their place; and said directors shall elect one of their number as president of the company; and in case of death or resignation of any director, the remaining directors shall have the right to fill such vacancy, by the election of a stockholder to serve for the remainder of the term so vacated; and at all meetings of the stockholders, each stockholder shall be entitled to one vote for each and every share he, she, or they may hold, as well for the election of directors as for or on account of any subject that may come up for their decision; and if an annual meeting of the stockholders shall not be held on the said first Monday of October, in each and every year, any two or more stockholders, owning together one hundred Election of directors.

shares of stock in the said company, may, on giving three weeks' notice in a newspaper published in Paterson, call a meeting of the stockholders of said corporation, stating the reasons of such call, for the purpose of electing five directors to manage the affairs of said company, and giving their directions as to the future management thereof; *provided*, a majority of the whole stock of said company be represented at such meeting.

Annual
statement
to be made.

6. *And be it enacted*, That the said president and directors shall exhibit to the stockholders annually, or whenever they meet, a list of all the stockholders, the amount of capital paid in, the profits or losses of the concern.

Act may be
altered or
amended.

7. *And be it enacted*, That it shall and may be lawful for the legislature of this state to alter, amend, or modify this act, whenever, in their opinion, the public good requires it, giving said stockholders and their directors full time and power to wind up and close said corporation; the avails and remainder thereof shall, after the payment of all debts and claims against it, be divided to and among said stockholders, according to their respective interests therein.

Limitation.

8. *And be it enacted*, That the corporation hereby created shall continue twenty years, and shall possess the general powers, and shall be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved March 4, 1847.

AN ACT to incorporate the Atlantic Steamboat Company of New Jersey.

Names of
corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. McKnight, Stephen Colwell, Walter Dwight Bell, Edward W. Coffin, Joseph Thompson, Jeremiah Stull, James Brookfield, Richard L. Somers, Daniel E. Estell, Abraham L. Iszard, and Francis J. Brognard, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of the Atlantic Steamboat Company of New Jersey," and shall possess the general pow-

Style and
general
powers,

ers, and be subject to the general restrictions and liabilities, set forth in the act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

2. *And be it enacted*, That the capital stock of the said corporation shall be sixty thousand dollars, with liberty to increase the same to one hundred thousand dollars, in shares of twenty-five dollars each; and that, as soon as five thousand dollars of the said capital stock shall have been subscribed and paid in, in lawful money or current bank notes, and an affidavit thereof made by a majority of the directors, to be chosen in pursuance of this act, and filed in the office of the clerk of the county of Atlantic, it shall and may be lawful for the said corporation to commence their business, and with that capital to conduct and carry it on, until they shall find it expedient to extend the same; and that the said capital stock shall be employed in running one or more steamboats from May's Landing, or any other place in the county of Atlantic, to the cities of New York and Philadelphia or elsewhere; and shall be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereto, and in the purchase, renting, repairing, or building of suitable landings, wharves, and store-houses; and the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made and adopted; and no part of the said capital stock shall at any time, nor under any pretence whatever, be divided among the stockholders for dividends; and no dividend shall be made or paid except from the actual profits; and each stockholder shall, in the election of directors, have one vote for each share of stock he holds in said company; *provided*, that no stockholder shall have more than ten votes.

Amount of capital stock.

Objects of incorporation.

3. *And be it enacted*, That John L. McKnight, Stephen Colwell, Walter Dwight Bell, Edward W. Coffin, Joseph Thompson, Jeremiah Stull, James Brookfield, Richard L. Soomers, Daniel E. Estell, Abraham L. Iszard, and Francis J. Brognard, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of the said corporation, first giving two weeks' notice, in a newspaper circulating in the county of Atlantic, of the time and place of receiving the same, and also of the amount of the first instalment to be then paid; and, as soon as the same shall be subscribed, shall give a like notice for the meeting of stockholders to choose directors for conducting the affairs of the company.

Commissioners to receive subscriptions.

Election of
directors.

4. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by five directors, a majority of whom shall constitute a quorum, and at least three shall be residents in this state, and shall be chosen on the first Monday in March annually, by ballot, by the stockholders, either in person or by proxy; no person shall be eligible as a director who shall not be a stockholder in the said company; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; said directors shall elect one of their number president.

Books of
accounts to
be kept.

5. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their office in the county of Atlantic, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company; and that in the month of January, in each year, the directors shall submit to the stockholders a written statement of the amount of capital stock paid in, and the amount of all existing debts against the company; and no dividend shall be declared or paid to the stockholders when such payment would render the company insolvent; and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid in.

Corpora-
not dissolv-
ed for fail-
ure to elect
on day pre-
scribed.

6. *And be it enacted*, That if an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead.

Limitation.

7. *And be it enacted*, That the corporation hereby created shall continue twenty-years.

Approved March 4, 1847.

AN ACT to change the name of Edmund Bryant Jones to Edmund Shaw Jones, of the county of Burlington.

Preamble. WHEREAS I. Richard Jones and Rebecca R. Jones have presented their petition to the legislature, praying that the name

of their son, a minor, may be changed from Edmund Bryant Jones to Edmund Shaw Jones, and in such petition have stated satisfactory reasons why their prayer therein contained should be granted—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Edmund Bryant Jones be changed to Edmund Shaw Jones, and that henceforth all business and other transactions, had by or with the said Edmund, shall be in the name given him by this act; and that by such name he shall be known in as full manner as if the name of Edmund Shaw Jones had always been the name of the said Edmund. Name of
Edmund
B. Jones
changed.

Approved March 4, 1847.

A supplement to an act entitled, "An act for the better security of mechanics and others erecting buildings, and furnishing materials therefor, approved February the sixteenth, eighteen hundred and forty-seven.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That the several provisions of the act entitled, "An act for the better security of mechanics and others buildings, and furnishing materials therefor," approved February the sixteenth, eighteen hundred and forty-seven, be, and the same are hereby extended to the township of Belleville, in the county of Essex, as fully and to all intents and purposes as if the said township of Belleville had been embraced in the said act to which this is a supplement, any thing in the said act to the contrary notwithstanding. Provisions
of act ex-
tended to
township of
Belleville.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1847.

A further supplement to the act entitled, "An act to establish and confirm the charter rights and privileges of the borough of Elizabeth," passed the twenty-eighth of November, seventeen hundred and eighty-nine.

Borough
officers au-
thorized to
enforce
payment
for paving.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the mayor, aldermen, and commonalty of the borough of Elizabeth are hereby authorized and empowered to require the owners of land within the said borough to pay the expense of making, grading, flagging, paving, curbing, and improving the sidewalks and gutters in front of and appertaining to their respective lots, and to enforce the payment thereof, in such manner, and by ordinance or otherwise, as the said corporation may deem expedient and proper.

Taxes, how
collected.

2. *And be it enacted*, That whenever a tax shall be ordered by the said corporation to be levied upon the whole or any part of the inhabitants of the said borough, it shall be lawful for the same to be assessed, levied, and collected at the same time, by the same officers, and in like manner, in all respects, as the state, county, and township taxes for the township of Elizabeth, in the county of Essex, are assessed, levied, and collected; and for that purpose the said officers are hereby invested with the like powers they now possess in assessing, levying, and collecting the said state, county, and township taxes.

Approved March 4, 1847.

AN ACT to authorize Harvey Shaw, Benajah Tomlin, junior, Robert Baymore, junior, Ezra Norton, and others, to build, repair, maintain, and keep up a bridge over Goshen creek, in the Middle Township, county of Cape May, New Jersey.

Preamble.

WHEREAS Harvey Shaw, Benajah Tomlin, junior, Robert Baymore, junior, Ezra Norton, and others, of the Middle Township, county of Cape May, and state of New Jersey, have, in their petition, represented that they are the owners of a large body of meadow, lying between the Cedar hammock on the bay shore and the main land, and through which Go-

shen creek passes, which is so situate that a bridge is necessary as a thoroughfare to and from said marsh—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said Harvey Shaw, Benajah Tomlin, junior, Robert Baymore, junior, Ezra Norton, and others, owners of said meadow, their heirs and assigns, to build, maintain, repair, and keep up a bridge over the said Goshen creek, at the same place where the old bridge now is, above Goshen landing, and adjoining lands of Reuben Ludlam. Owners of meadow authorized to build bridge

2. *And be it enacted*, That if any person or persons shall in any way injure the said bridge, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same. Penalty for injuring bridge.

Approved March 4, 1847.

AN ACT making an appropriation for furnishing and conducting the State Lunatic Asylum.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby directed to pay to the managers of the State Lunatic Asylum, on warrants of the governor, such sums as they may require to provide the necessary stock, furniture, and property for the conducting of the business of said asylum, and to pay the salaries of the resident officers for the present year, not exceeding in the whole the sum of twenty thousand dollars; and it shall be the duty of the secretary of state to audit the accounts of said managers. Appropriation for furniture.

2. *And be it enacted*, That this act shall go into effect immediately.

Approved March 4, 1847.

AN ACT to extend the time for completing the Belvidere Delaware Railroad.

Time for
completing
railroad ex-
tended.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the time for completing the railroad, limited in the eighteenth section of the act entitled, "An act to incorporate the Belvidere Delaware Railroad Company," passed the second day of March, eighteen hundred and thirty-six, be extended for the period of five years from the fourth day of July last, and that said act shall not be deemed void by reason of said road not having been completed and in use within the time limited in said section; *provided*, that nothing herein contained shall be so construed as to authorize the said company to exercise banking privileges.

Approved March 4, 1847.



A supplement to the act entitled, "An act relative to the borough of Princeton," passed the fourth of November, eighteen hundred and forty-two.

Licenses to
be granted
by common
council.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the common council of the said borough shall have the sole and exclusive right and power of licensing all and every retailer of beer, ale, or cider, by less measure than one gallon, within the said borough, unless the inhabitants of said borough, at a meeting held for that purpose under the provision of any law of this state, shall decide that no license shall be granted; and shall also have the sole and exclusive right to license all and any hay-scales that now are or may hereafter be erected in said borough, upon such terms and conditions, and under such regulations, as they may deem most conducive to the good of the inhabitants of the said borough.

Liquors not
to be sold
on Sunday.

2. And be it enacted, That it shall and may be lawful for the said common council to require that every person, before he or she shall receive a license to keep an inn or tavern in said borough, shall, in addition to the recognizance now required by law, become bound, by a like recognizance, not to sell, or cause or permit to be sold, any vinous, spirituous, or other strong liquors on the christian sabbath, or first day of the week, commonly called Sunday.

3. *And be it enacted*, That the mayor or recorder of the said borough, in conjunction with any two of the members of the common council, shall have the sole and exclusive right and authority of licensing, in their discretion, any person or persons to exhibit and show any menagerie or collection of beasts or animals, or circus, within the said borough, subject to the same provisions, and in like manner as the same may now be lawfully done by any three justices of the peace; and shall also have the exclusive right and authority of licensing, in their discretion, any circus, interlude, farce, or play, in like manner as the same may now be done by any three justices of the peace; *provided*, that all moneys received from any such license, shall be paid over to the borough treasurer, for the use of the said borough; and that all actions to recover the penalties imposed by law for exhibiting without license, shall be in the name of the borough treasurer, and for the use of the said borough.

Licenses for shows, &c., how granted.

4. *And be it enacted*, That the assessor and collector of said borough, instead of the fees now allowed by law, shall be entitled to receive, for assessing, levying, and collecting the taxes of said borough, such compensation as the common council of said borough shall by ordinance direct.

Fees of assessor and collector.

5. *And be it enacted*, That the inhabitants of the said borough of Princeton, at their annual town meetings, shall vote such sum or sums of money as they may think necessary to be raised for the ensuing year for the exigencies of the said borough, which sum shall be assessed, collected, and disposed of in such manner as the said common council shall direct; and if no sum, or an insufficient sum, shall be voted to be raised, and the interest of the borough require it, the common council are hereby authorized to call a meeting of the inhabitants, by advertisements, giving at least five days' notice, and propose to them the sum, in their opinion, necessary to be raised; and whatever sum the inhabitants shall, by a plurality of voices, vote to be raised, shall be assessed and collected, paid and disposed of, in such manner as the said common council shall direct; *provided always*, that if any person shall think himself or herself aggrieved by any assessment made as herein before directed, he or she may appeal to the common council, who are hereby required to hear his or her complaint, and redress the grievance, if any shall be made to appear.

Money for the use of borough, how raised.

6. *And be it enacted*, That it shall and may be lawful for the common council of said borough to order and cause to be assessed and raised by tax, from year to year, such sum or sums of money as they shall deem expedient for defraying the expenses of lighting the streets of said city, regulating, paving,

Annual tax to be raised.

flagging, and gravelling the streets, maintaining and supporting the poor, schooling poor children, for defraying the contingent expenses of said borough, and for all other objects and purposes authorized by this act, to be assessed and collected in such manner as the said common council shall, by ordinance, direct; which taxes, when collected, shall be paid into the hands of the treasurer of said borough, to be subject to the order of the said common council; and it shall also be lawful for the said common council, in the name and on the behalf of the said the inhabitants of the borough of Princeton, to borrow money from time to time, for all purposes for which they are authorized by this act to raise money by tax, and to secure the payment thereof by bond or other instrument, under the common seal and the signature of the said mayor, and to provide by tax for the payment thereof; *provided*, no such assessment or loan shall, either of them, exceed the sum of two hundred dollars in any one year, or be made without the concurrence and approbation of the mayor of the said borough.

Ordinances
for paving,
&c.

7. *And be it enacted*, That it shall be lawful for the common council of said borough, or the major part thereof, in council convened, to make and establish ordinances and regulations for the levelling, grading, and paving, flagging, or gravelling sidewalks, and keeping the same in repair, in any street or streets in said borough, by the owners or occupants of lots fronting on or adjoining such street or streets, and to appoint one or more discreet and skilful person or persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations, by enacting penalties for nonperformance thereof, to be sued for and recovered, with costs of suit, in an action of debt, by and in the name of the treasurer of said borough, for the use of the borough, before any justice of the peace thereof, or any other court having cognizance of the same; if the owner of any lot in front whereof the sidewalks shall, by such ordinance or regulation, be directed to be levelled, graded, and paved, flagged, or gravelled, shall neglect to comply with such ordinance or regulation within three months from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expenses of conforming to such ordinance or regulation, with respect to such lot, to be made, assessed, and certified by three assessors, to be appointed by said common council, which assessment shall be filed by the clerk; and if such assessment be approved by the common council, they shall cause an advertisement to be inserted in a newspaper published in said borough, for two months, stating the amount of such assessment, and requiring the owner of such lot to pay the same to the treasurer of said

borough, appointing a day and place when and where such lot will be sold at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum advanced as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot shall neglect to pay such assessment, with the costs and charges thereof, and of the said advertisement, it shall be lawful for the said common council to cause such lot to be sold at public auction for a term of years, at the time and for the purposes, and in the manner, expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said borough; and such purchaser, his executors, administrators, or assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against his owner or owners, and all claiming under him or them, until his term therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot, at the expiration of the term, in sufficient fence, and the sidewalk in front thereof, in the order required by such ordinance or regulation; *provided always*, if, after paying the actual expense of leveling, grading, and paving, flagging, or gravelling the sidewalk in front of any lot so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges attending the sale, a surplus of the purchase money shall remain in the hands of the treasurer of the said borough, the said surplus shall forthwith be paid, on demand, to the owner or owners of such lot, or his or their legal representatives; the amount of the estimate or assessment to be made as aforesaid, on any lot in the said borough, shall be and remain a lien thereon, from the time of the completion and return of such estimate or assessment, in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for "the inhabitants of the borough of Princeton," instead of the remedy herein above provided, if they shall see fit, in case the owner or occupant of any lot or any house and lot within the said borough shall neglect to comply with such ordinance or regulation, in respect to the sidewalk in front thereof, to cause the same to be done and paid for out of any money in the hands of the treasurer of said borough, and to sue for and recover the amount so paid from the owner or owners of such lot, or his or their legal representatives, with interest and costs, in any court in this state having cognizance thereof, in an action on the case for so much money by them paid, laid out, and expended to and for the use of such owner or owners, his or their legal representatives; and in every such action the said

estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

Parts of former acts repealed. 8. *And be it enacted*, That from and after the passing of this act, all other acts or parts of acts coming within the purview of this act be, and the same are hereby repealed.

Act, when to take effect. 9. *And be it enacted*, That this act shall be published in the Princeton Whig before the same shall take effect, which shall be within ten days after the passage thereof.

Approved March 4, 1847.

AN ACT to encourage the establishment of mutual savings associations.

Preamble. WHEREAS associations for investing and accumulating the periodical and other contributions of the associators for the creation of a fund, to be finally distributed equally among them, have in other states been found highly conducive to public and individual prosperity, by encouraging and fostering the virtues of temperance, industry, economy, and frugality; and whereas such associations are entitled to legislative countenance and encouragement—therefore,

Mode of incorporating association. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons, residents of this state, not exceeding five hundred in number, who shall sign a certificate in writing, setting forth that they have formed an association for the purposes mentioned in the preamble to this act, and the name adopted for such association, and the city, borough, or township where it is to be located and its business transacted, and shall cause the same to be delivered to the clerk of the court of common pleas of the county which embraces the place of its location, shall thenceforth be a body politic and corporate in law, with all the powers mentioned in the first section of the act entitled, “An act concerning corporations,” approved the fourteenth day of February, A. D. one thousand eight hundred and forty-six.

Certificate to be recorded. 2. *And be it enacted*, That the said clerk shall immediately file said certificate, and record the same in a book to be kept for that purpose, for which he shall be entitled to receive the sum of twenty-five cents.

3. *And be it enacted*, That parents and guardians may sign said certificate in behalf of their minor children or wards, and trustees in behalf of married women; and said parents, guardians, or trustees may hold the shares subscribed, and act in such association for those whom they so represent; but the benefit of such investments shall go to the parties represented. Certificates of minors, &c.

4. *And be it enacted*, That every such association may adopt such form of a constitution as to them shall seem right and proper; which constitution shall be signed by all the associators, and recorded in the book of minutes of such association, and may alter and amend the same, from time to time, in the manner provided therein; they may also make penalties for breaches of the constitution or by-laws, not exceeding ten dollars; but nothing in said constitution or by-laws shall be repugnant to the constitution or laws of this state or of the United States. Association may make by-laws, &c.

5. *And be it enacted*, That in investing the funds of said associations, preference shall always be given to the members thereof, who shall offer the most satisfactory security; *provided* the said association shall not take, directly or indirectly, upon any contract for loan of any money above the value of six dollars for the interest upon or for the forbearance of one hundred dollars for a year, and after that rate for a greater or less sum, or for a longer or shorter time. Investment of funds.

6. *And be it enacted*, That all matters not herein provided for shall be regulated by the constitutions and by-laws of said associations, respectively.

7. *And be it enacted*, That the legislature may at any time annul the charter of any association created under this act. Charter may be annulled.

8. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved March 4, 1847.

AN ACT to authorize the building of an additional wing to the state prison.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Joshua Wright, John S. McCully, John Acken, Emley Olden, and James Skirm, inspectors of the New Jersey state prison, be, and are hereby appointed Additional wing to be built.

commissioners for the purpose of erecting an additional wing to the present state prison building, for the better security of the prisoners, as well as additional security against fire, and to furnish suitable apartments for cooking, washing, baking, and store-rooms, and such other purposes as the said commissioners, in their judgment, shall deem necessary, with power to contract for the erection of the same; and the said commissioners shall appoint two of their number, who, together with the keeper of said prison, shall superintend the erection of said building, under the direction of said commissioners.

Expenses,
how de-
frayed.

2. *And be it enacted*, That, for the purpose aforesaid, the said commissioners shall have power to draw from the keeper of said prison the surplus earnings of the prisoners that may be in his hands, and not needed for ordinary expenses of the institution; and if such surplus earnings should be insufficient to pay the expense of erecting such building, the said commissioners shall be authorized to draw upon the treasurer, from time to time, for such additional sums as may be necessary, not exceeding in all the sum of five thousand dollars; *provided*, the whole expense of erecting said building shall not exceed the sum of ten thousand dollars; and the secretary of state shall audit the account of said commissioners.

Act, when
to take ef-
fect.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1847

AN ACT to provide compensation to the state directors of the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies.

Compensa-
tion to state
directors.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors, on the part of the state, of the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies, shall each be entitled to receive three dollars per day, for each day they may be so employed in the discharge of their duties.

Approved March 4, 1847.

A supplement to the act entitled, "An act for the establishment of work-houses in the several counties in this state," passed the twentieth of February, seventeen hundred and ninety-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the several counties in this state are hereby authorized to convert so much of the buildings, in their respective counties, known as the common jail of the county, as to them may seem proper, into a work-house, taking care, in all cases, to reserve space and room enough in the said jails for the uses and purposes of the public jail, in order that the act to which this is a supplement may be carried out as fully, to all intents and purposes, in the several counties in this state, as though a work-house had been built or purchased according to the provisions of the aforesaid act. Part of jail to be converted into work-house

2. *And be it enacted*, That this act shall take effect immediately on the passage thereof. Act, when to take effect.

Approved March 4, 1847.

AN ACT to provide for the assessment and collection of taxes in the counties of Camden and Gloucester:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessors of the several townships of the counties of Camden and Gloucester, to take an account of the ratable property in the said several townships, between the twentieth day of April and the twentieth day of June, in each and every year hereafter. Time of assessment.

2. *And be it enacted*, That the said assessors shall meet annually, on the second Monday of July, at ten o'clock in the forenoon, at the court-house, in their respective counties, and perform the duties required to be done and performed in and by the third, fourth, fifth, and sixth sections of the act entitled, "An act concerning taxes," approved the fourteenth day of April, eighteen hundred and forty-six. Annual meeting of assessors.

3. *And be it enacted*, That the commissioners of appeal in cases of taxation, in the several townships of the said counties of Camden and Gloucester, shall convene annually, at the usual Meeting of commissioners of appeal.

places of holding town meetings, on the second Monday of September, at the hour of ten o'clock in the forenoon, for the purpose of discharging the duties of their office, instead of the second Tuesday of November, as heretofore.

Township
collectors.

4. *And be it enacted*, That the collectors of the several townships in the counties of Camden and Gloucester shall annually give notice and perform the duties required by the tenth section of the said "Act concerning taxes," on the first day of August, instead of the first day of October, as heretofore.

Notice to be
given for
payment of
tax.

5. *And be it enacted*, That the collectors in the several townships in the counties of Camden and Gloucester, within thirty days after the receipt of the transcript or duplicate of the assessment of taxes in their respective townships, shall demand payment of the tax or sum assessed on each individual in his township, in person or by notice left at his or her place of residence, and also give notice of the time and place of meeting of the commissioners of appeal; and the said collectors shall pay the taxes by them collected, and the fines and forfeitures by them received, by virtue of any law of this state, to the county collector of their respective counties, by the twenty-second day of October in every year.

Nonpay-
ment of
taxes.

6. *And be it enacted*, That in case of the nonpayment of taxes at the time appointed, the township collectors of the said townships, respectively, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereunto annexed, and deliver the same to some justice of the peace of the county on the twentieth day of October in every year, except when that day shall happen on Sunday, and then on the next day following; whereupon it shall be the duty of said justice to perform the duties required of him by the thirteenth section of the said "Act concerning taxes."

Special
constables
may be ap-
pointed.

7. *And be it enacted*, That if, in the opinion of the township committee of any of the said townships, the interest of the township would be promoted thereby, it shall be lawful for the said committee to appoint a special constable, to whom the justice shall direct the warrant or warrants required by the eighteenth section of the aforesaid act; and who, after giving bond, with such security as the said committee shall direct and approve of, shall be authorized to perform the duties required to be done in and by the said act, as fully as a constable elected at the annual town meeting.

Part of for-
mer act re-
pealed.

8. *And be it enacted*, That the provisions of the act entitled, "An act concerning taxes," approved the fourteenth day of April, eighteen hundred and forty-six, so far as they relate to the counties of Camden and Gloucester, and are inconsis-

ent with the provisions of this act, be, and the same are hereby repealed.

9. *And be it enacted*, That this act shall take effect immediately. Act, when to take effect.

Approved March 4, 1847.

AN ACT to raise by tax the sum of twenty thousand dollars.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied, and collected, on the inhabitants of this state, their personal estate, and on the lands and tenements within the same, the sum of twenty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and forty-eight. \$20,000 to be raised by tax.

2. *And be it enacted*, That the said sum of twenty thousand dollars shall be paid by the several counties of this state, in the proportions following, that is say: Proportions to be raised by the several counties.

The county of Bergen shall pay the sum of six hundred and sixty-seven dollars.

The county of Hudson shall pay the sum of four hundred and ten dollars.

The county of Essex shall pay the sum of seventeen hundred and seventy-six dollars.

The county of Passaic shall pay the sum of five hundred and twelve dollars.

The county of Morris shall pay the sum of fifteen hundred and sixty-eight dollars.

The county of Sussex shall pay the sum of ten hundred and twelve dollars and fifty cents.

The county of Warren shall pay the sum of ten hundred and ninety-two dollars and fifty cents.

The county of Hunterdon shall pay the sum of fifteen hundred and fifty-one dollars.

The county of Somerset shall pay the sum of twelve hundred and fifty-five dollars.

The county of Middlesex shall pay the sum of thirteen hundred and sixty-six dollars.

The county of Monmouth shall pay the sum of eighteen hundred and sixty-two dollars.

The county of Burlington shall pay the sum of nineteen hundred and five dollars.

The county of Gloucester shall pay the sum of six hundred and eighty-one dollars.

The county of Camden shall pay the sum of seven hundred and seventy-five dollars.

The county of Cumberland shall pay the sum of seven hundred and ninety-three dollars.

The county of Salem shall pay the sum of ten hundred and seventy-eight dollars.

The county of Cape May shall pay the sum of three hundred and twenty-three dollars.

The county of Atlantic shall pay the sum of two hundred and thirty-three dollars.

The county of Mercer shall pay the sum of eleven hundred and forty dollars.

Articles
taxed at
specific
sums.

3. *And be it enacted*, That the assessors of the several townships, cities, or boroughs of this state, to raise the aforesaid sum of twenty thousand dollars, shall assess and rate the several articles and things hereinafter enumerated at the following sums:

Every covering horse or jack above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse or jack is kept; all other horses or mules three years old and upwards, any sum not exceeding eight cents.

All neat cattle three years old and upwards, any sum not exceeding four cents.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four-horse stage wagon with springs, any sum not exceeding five dollars.

Every two-horse spring wagon, any sum not exceeding two dollars and fifty cents.

Every covered riding wagon with springs, any sum not exceeding seventy-five cents.

Every two horse chair or curricule with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon with steel or iron springs, any sum not exceeding seventy-five cents.

4. *And be it enacted*, That in assessing the aforesaid sum of twenty thousand dollars, the following articles, persons, and things shall be valued and rated at the discretion of the assessor, to wit:

Articles to be valued and rated at discretion of assessor.

All tracts of land of more than twenty acres, shall be valued by the assessor at its real value, as near as may be, and all houses and lots of land of twenty acres and under, connected therewith, and all lots of land of twenty acres and under, not connected with houses, shall be valued by the respective assessors at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent or value of the same, as near as may be according to the scale by which they shall rate lands in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men), any sum not exceeding three dollars over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All chemical works used for the manufacture of any of the chemical salts or fluids for sale, any sum not exceeding ten dollars.

All paint mills, any sum not exceeding fifteen dollars, to be valued according to the extent of the manufacture.

All grist mills, for each run of stones, any sum not exceeding six dollars,

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All India rubber manufactories, any sum not exceeding ten dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomeries that work bar-iron immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding sixty dollars.

All paper mills, for each engine, any sum not exceeding five dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or oil presses, any sum not exceeding nine dollars.

All bark mills propelled by water or steam, for grinding bark for sale, any sum not exceeding ten dollars.

All fulling mills not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries used for distilling spirits from rye or other grain, or molasses or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries used for distilling, any sum not exceeding thirty dollars, having due regard to the size, capacity, and use of said stills.

Every printing, bleaching, and dying manufactory, any sum not exceeding ten dollars.

Every earthen or stone ware manufactory, any sum not exceeding seven dollars.

Every glass or porcelain manufactory, where glass or porcelain ware is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and fifty cents over and above the certainties made ratable by this act; if any single

man be a householder, he may, at the discretion of the assessor, be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be so construed as to subject any species of property to be taxed more than once, and that no property herein specifically mentioned as taxable shall be subject to a tax as real estate.

5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation. Duties of assessor.

6. *And be it enacted*, That the sum of twenty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," approved April the fourteenth, one thousand eight hundred and forty-six; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said act; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by law. Manner of assessing, levying, and collecting.

7. *And be it enacted*, That this act shall go into effect immediately. Act, when to take effect.

Approved March 4, 1847.

AN ACT to defray incidental expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay to the several persons hereinafter named, the following sums, viz: Certain incidental charges to be paid.

1. To Jonathan Cook, for horse and carriage hire for the use of state prison and lunatic asylum committees, sixteen dollars.

2. To David Clark, for sand, inkstands, and blank book, nine dollars and twelve and a half cents.

3. To Phillips & Boswell, for printing vouchers, blanks, pedlers' licenses, &c., as per bill, seventy dollars and fifty cents.

4. To Adams C. Davis, for stationery furnished the House

of Assembly at the commencement of the present session, sixty-one dollars and ninety-eight cents.

5. To William Thos. Carroll, clerk of the supreme court of United States, for bill of costs in the case of Merritt Martin & Co., ninety-five dollars and ninety-seven cents.

6. To William Kerwood, for putting two book-shelves in government house, in eighteen hundred and forty-four, two dollars.

7. To Blackfan & Wilkinson, for lumber furnished for state arsenal, as per bill, twenty dollars and nineteen cents.

8. To Charles Parker, George S. Green, and Samuel S. Stryker, for appraising stock at state prison, eighty dollars.

9. To Jones & Corlies, for cloth for supreme court room, as per bill, fifty-nine dollars and fifty cents.

10. To William Pearson, for sundry hardware for state arsenal, as per bill, two dollars and twelve cents.

11. To Benjamin S. Disbrow, for five tables and other furniture for, and for work done in repairing furniture in state house, eighty dollars.

12. To president and directors of Trenton water works, for use of water one year, ten dollars, and for water to water trees and other purposes, extra, fifteen dollars, twenty-five dollars.

13. To Charles Brearley, for sundry hardware, &c., for state arsenal, as per bill, ten dollars and seventy-two cents.

14. To William De Hart, librarian, for numbers of library room, making catalogue of state library, and for work done in removing and regulating said library, as per receipts, nineteen dollars and twenty-five cents.

15. To Richard Thomas, for one stove and sundry hardware, furnished for the state house, as per bill, nineteen dollars and fifty-one cents.

16. To John C. Miller, for one stove, pipe, &c., for library room, ten dollars and fifty-six cents.

17. To Orrin Pharo, for advertising governor's proclamations of November thirteenth, eighteen hundred and forty-five, May twenty-eighth, eighteen hundred and forty-six, and November sixth, five dollars and twenty-five cents.

18. To B. W. Titus, for carpet, damask, oil cloth, bairn, &c., for state house, two hundred and nineteen dollars and eighty-nine cents.

19. To B. W. Titus, for carpet and thread for committee room, thirty dollars and sixty-six cents.

20. To Howell & Page, for cutting doors in library room, and putting on fastenings, four dollars and seven cents.

21. To George Alexander, for making index to the Minutes of the Votes and Proceedings of the seventieth General Assembly, fifty dollars.

22. To William Pearson, for sundry hardware for state house, as per bill, nine dollars and thirty-one cents.

23. To John C. Miller, for sundry hardware for, and for cleaning and repairing sundry articles of hardware in state house, as per bill, sixty-four dollars and thirty-seven and a half cents.

24. To J. S. Fish, for two tons of nut coal for state arsenal, ten dollars.

25. To Elias Phillips & Co., for pitchers, tumblers, &c., for Senate, four dollars and seventy-five cents, (per sergeant-at-arms of Senate).

26. To Amos Hogeland, for sixty-four pounds of sperm candles for Assembly, twenty-two dollars and forty cents, (per sergeant-at-arms of Assembly).

27. To Stacy A. Paxson, treasurer, for travelling expenses to Philadelphia and Paterson, to receive dividends on stock, attending sales of Paterson lands, collecting interest, &c., charcoal for Senate and Assembly, and for sundry articles for state house, cleaning, &c., as per bill, eighty-eight dollars and nineteen and a half cents.

28. To Stacy A. Paxson, for money paid to labourers for keeping grounds in order, and work done in state house during the recess of the legislature, as per receipts, one hundred and thirty-five dollars and fifty cents.

29. To Henry Cook, for repairing desks in Assembly room, ten dollars.

30. To Charles S. Olden, chairman of the committee to investigate the affairs of the Plainfield Bank, for the expenses of said committee, eighty-nine dollars.

31. To A. S. Pennington, prosecutor of Passaic county, for bill of costs in suit of the state against Ellis Collins, as per bill, fifty-three dollars and ninety-four cents.

32. To Thomas Macpherson, for stationery for Senate, as per bill, one hundred and seventy-two dollars, (per Daniel Dodd, jun.)

33. To each of the members of the Senate and General Assembly, any sum not exceeding ten dollars, for their incidental expenses during the present session of the legislature.

34. To D. Fitz Randolph, for extra rule and figure work on Senate journal of eighteen hundred and forty-six, fifty-three dollars and fourteen cents.

35. To Joseph J. Levy, for stationery for Senate, (per Da-

niel Dodd, jun., fifteen dollars; for do., per Francis J. Brognard, two dollars and fifty cents), seventeen dollars and fifty cents.

36. To Hutchinson & Clark, for candles and sundries, as per bill, one hundred and eighteen dollars and thirty-five cents, (per sergeant-at-arms of Senate).

37. To Thomas Macpherson, for one ream of envelop paper, (per sergeant-at-arms of Assembly), three dollars and fifty cents.

38. To Obadiah Howell, for ink and one cloth brush (per sergeant-at arms of Senate), eight dollars and twenty-five cents.

39. To William B. Kinney, for advertising governor's proclamation of November third, eighteen hundred and forty-six, five dollars.

40. To Mills & Glen, for advertising proposals for furnish coal, three weeks, one dollar and thirty-eight cents.

41. To Benjamin F. Yard, for advertising governor's proclamation of November tenth, eighteen hundred and forty-six, one dollar and fifty cents.

42. To Sterling & Plumley, for one bushel of sand, thirty-eight cents.

43. To Joseph G. Brearley, for sundries, as per bill, for Senate, Assembly, library, &c., thirty-two dollars and fifteen cents.

44. To William W. Norcross, for sperm candles for courts, seven dollars and thirty-seven cents.

45. To G. P. Beebee, for advertising governor's proclamation of November twenty-ninth, eighteen hundred and forty-four, two dollars.

46. To Joseph Bernhard, for steel stamps, brass measures, siphon, brand, figures, and letters, as per bill, to carry out act of April seventeenth, eighteen hundred and forty-six, forty-five dollars and twenty-five cents.

47. To Daniel Christopher, for seal and certificate, and copy, two dollars and fifty cents.

48. To Charles G. McChesney, for cash paid, as per receipts, to Messrs. Gosman, Nixon, Phillips, and Thompson, for charcoal, printing rules supreme court, postage, &c., sixteen dollars and eleven cents.

49. To Arnold & Brittain, for advertising governor's proclamations to volunteers and thanksgiving, nine dollars and fifty cents.

50. To Charles G. McChesney, secretary of state, for pre-

paring forms for abstracts of ratables, forwarding blank forms, preparing and transmitting thirty-six bundles of Laws, Senate Journals, Minutes of Assembly, Chancery Reports, Law Reports, each, notifying banks of treasurer's appointment (twenty six), &c., as per bill, twenty-two dollars.

51. To Edward T. Lyon, for stationery for Assembly (per A. M. Cumming), as per bill, two hundred and seventy-five dollars and ten cents.

52. To Charles Scott, for sundries, as ordered by A. M. Cumming, for the use of Assembly, as per bill, fifty-six dollars and sixty-four cents.

53. To Charles Scott, for sundries, as ordered by C. G. McChesney, for the use of the governor, court of appeals, secretary of state's office, &c., as per bill, sixty-six dollars and eleven cents.

54. To Charles Scott, for sundries, as ordered by J. Wilson, for the supreme court, as per bill, fifty-three dollars and ninety-six cents.

55. To Charles Scott, for sundries, as ordered by D. Dodd, jun., for the Senate, as per bill, one hundred and seventy-eight dollars and thirty-nine cents.

56. To Charles Scott, for sundries, as ordered by S. R. Gummere, for chancery office, as per bill, one hundred and four dollars and five cents.

57. To Charles Scott, for sundries for the state library, per William De Hart, as per bill, one dollar and fifty cents.

58. To Charles Scott, for sundries, as ordered by Stacy A. Paxson, for treasurer's office, as per bill, nine dollars and forty-one cents.

59. To Charles Scott, for sundries, as ordered by F. J. Brognard, as per bill, twenty-seven dollars and eighty-nine cents.

60. To Joseph Pycraft, for attending furnaces, &c., from the eleventh of January to the fifth of March, making fifty-four days, at one dollar per day, fifty-four dollars.

61. To Charles Scott, for sundries, as ordered by M. F. Carman, as per bill, seventeen dollars and seventy-five cents.

62. To Daniel Dodd, jun., for indexing the Journal of Senate of last year, and for stationery for Senate, as per bills, one hundred and eighty-one dollars and fifty-six cents.

63. To William De Hart, for money paid for carrying wood and coal into library room, as per receipt, three dollars.

64. To Alexander M. Cumming, for stationery for Assembly, two hundred and sixty-three dollars.

65. To Sherman & Harron, for advertising, printing catalogue for library, and pamphlets, bills, &c., for Senate and Assembly, sixteen hundred and seventy dollars and fifty-eight cents.

66. To Joseph A. Yard, for advertising rules for supreme court, three dollars and seventy-five cents.

67. To Sylvester Van Sickell, for making and laying carpets in library and in the Assembly room, &c., as per bill, twelve dollars and sixty-five cents.

68. To David Clark, for stationery, as per bill, two dollars.

69. To Francis J. Brognard, for services rendered as private secretary to the governor during the present session of the legislature, seventy-five dollars.

Approved March 5, 1847.

JOINT RESOLUTIONS.

Relative to the officers and army of the United States in Mexico.

WHEREAS General Taylor's course, throughout the war with Mexico, has been such as has commanded the admiration of his countrymen, as well as to elicit praise from foreign nations, and we have seen with regret an attempt made to defame and detract from his hard-earned reputation, earned by a life spent in the service of his country, in the war of eighteen hundred and twelve, in the swamps of Florida, and in the chapparals of Mexico, and so well established that any attempts now made to tarnish his name will recoil on the authors, and they be held up to well merited contempt. Preamble.

1. *RESOLVED, by the Senate and General Assembly of the State of New Jersey,* That the skill, ability, and indomitable bravery displayed in the Mexican war by General Zachary Taylor, merit our warmest praise, and that the thanks of this legislature are due, and are hereby tendered to him. Thanks to Gen. Taylor.

2. *Resolved,* That the gallantry of our army and its officers, on the battle fields of Palo Alto, Resaca de la Palma, and Monterey, has won them enduring renown, and that the thanks of this legislature be hereby tendered to them. Thanks to officers and army.

3. *Resolved,* That the governor be requested to forward a copy of the foregoing preamble and resolutions to General Taylor, and, through him, to the officers and soldiers of the army. Copies to be forwarded.

Approved January 28, 1847.

To authorize the treasurer to pay to Augustus S. Barber, of Woodbury, the balance due him for printing the Votes and Proceedings of the House of Assembly, for the year eighteen hundred and forty-six.

Treasurer
authorized
to pay A.
S. Barber
\$156.31.

RESOLVED, by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state is hereby authorized to pay to Augustus S. Barber, of Woodbury, one hundred and fifty-six dollars and thirty-one cents, being the balance due him for printing the Votes and Proceedings of the House of Assembly for the year eighteen hundred and forty-six.

Approved February 2, 1847.

Relative to the accounts of John Engle, a trustee, on behalf of the state, of the estate of John G. Leake, deceased.

Secretary
of state to
audit ac-
counts of
J. Engle.

RESOLVED, by the Senate and General Assembly of the State of New Jersey, That the secretary of this state be authorized to audit and adjust the accounts of the said John Engle, referred to in his petition, and that he make report thereof to the next legislature; and that said secretary shall have power to send for persons and papers, and to examine witnesses under oath, if he shall deem it necessary.

Approved February 9, 1847.

Relative to the extension of slavery in any territory which may be annexed to the United States.

1. *RESOLVED, by the Senate and General Assembly of the State of New Jersey,* That the senators and representatives in congress from this state, be requested to use their best efforts to secure, as a fundamental condition to, or provision in any act of annexation of any territory hereafter to be acquired by the United States, as an indemnity for claims, or otherwise obtained, that slavery or involuntary servitude, except as a pen-

ishment for crimes, shall be for ever excluded from the territory to be annexed.

2. *Resolved*, That the governor be requested to transmit a copy of the above resolution to each of our senators and representatives in congress.

Approved February 16, 1847.

Relative to the distribution of the Revised Laws of this state.

RESOLVED, by the Senate and General Assembly of the State of New Jersey, That the treasurer be directed to furnish each member, and the clerks of the present legislature, with a copy of the Revised Statute Laws of the state.

Members of the legislature and clerks to be furnished with Rev. Laws.

Approved February 18, 1847.

Authorizing the governor to present swords to Jersey officers, who have distinguished themselves in the Mexican war.

1. *RESOLVED, by the Senate and General Assembly of the State of New Jersey*, That, on account of the brave and gallant conduct displayed by Captain William R. Montgomery, Lieutenants N. Beakes Rossell, Fowler Hamilton, and Samuel G. French, of the United States army, citizens of the state of New Jersey, in the late battles of Palo Alto, Resaca de la Palma, and Monterey, the governor be authorized and requested to procure four swords, to be presented to the said officers, in the name of the state of New Jersey.

Governor authorized to procure swords.

2. *Resolved*, That the governor be requested to forward a copy of the foregoing resolution to each of the above named officers.

To forward copy of resolution.

3. *Resolved*, That the governor draw his warrant on the treasurer for the expenses incurred in procuring said swords.

To draw warrant on treasurer.

Approved February 19, 1847.

For the payment to Thomas Neal, of a reward due him for apprehending a fugitive prisoner.

Preamble. WHEREAS it is represented, to the satisfaction of this legislature, that Thomas Neal, while a night-watch in the state prison, apprehended a fugitive prisoner, for whose apprehension a reward of two hundred dollars had been publicly offered by the board of inspectors, but did not at the time receive such reward; and whereas said Thomas Neal hath now become infirm, and is in indigent circumstances, and hath appealed to the legislature to pay him said sum—therefore,

\$200 to be
paid to T.
Neal.

RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the treasurer be authorized to pay to said Thomas Neal the said sum of two hundred dollars, on receiving from him a receipt in full discharge of said claim.

Approved, February 25, 1847.

Providing for publishing a third edition of Gordon's map of New Jersey.

Preamble. WHEREAS it appears, by the report of the committee on education, that nearly fourteen years have elapsed since the issue of the last edition of Gordon's map of New Jersey, during which time five new counties, and many new townships have been formed, and sundry railroads and other improvements constructed; and whereas the publisher of said map agrees, that, if the state of New Jersey will contract to pay him one thousand dollars (being the same sum given towards publishing each of the other editions), he will proceed to prepare a third edition of said map, and, for the purpose of aiding in advancing the cause of education in New Jersey, agrees to supply the schools of the state at half the price of the former editions; and further, agrees to furnish to the state, without charge, a number of copies for the state house, the several counties, and various public institutions; and whereas the cause of education and the wants of the citizens of the state require that a new edition of said map be published—therefore,

RESOLVED, by the Senate and General Assembly of the State of New Jersey, That when the publisher of Gordon's map of New Jersey shall furnish to the treasurer of the state a sufficient number of copies of a new and improved edition of the same, embracing the new counties, townships, canals, railroads, &c., to supply the governor's room, Senate chamber, hall of the House of Assembly, state library, offices of the secretary of state, treasurer, clerk of chancery, clerk of supreme court, and for the court house of each county in the state, for the library of congress, the College of New Jersey, Rutgers College, Burlington College, and the Historical Society of New Jersey, one copy each; and further, shall deposit with the treasurer his bond, with two good and sufficient sureties, in the penal sum of five hundred dollars, that he will, upon application being made within three years, furnish copies of the said map for public schools, at a price not exceeding two dollars each, the treasurer of the state shall, thereupon, pay to him the sum of one thousand dollars; and his receipt for the same shall be a sufficient voucher for the treasurer, in the settlement of his accounts.

Approved February 25, 1847.

For additional compensation to the commissioners for repairing state house, building public offices, &c.

RESOLVED, by the Senate and General Assembly of the State of New Jersey, That the treasurer of this state be directed to pay to Samuel R. Gummere, Samuel R. Hamilton, and Stacy A. Paxson, commissioners for repairing the state house, building offices, &c., the sum of four hundred dollars, as compensation in full for their services, in addition to the one hundred dollars, each, appropriated by the act of April second, eighteen hundred and forty-five, by which they were appointed.

Approved March 3, 1847.

Authorizing the sale and conveyance of certain premises in Paterson, now owned by the state.

Preamble. WHEREAS certain premises, situate in the township of Paterson, in the county Passaic, were conveyed to the state, upon a purchase thereof, made by the treasurer of the state, for the use of the state, on sale, in pursuance of decrees of foreclosure of certain mortgages held by the trustees of the school fund, and opportunity may occur for the resale of said premises—therefore,

Treasurer authorized to transfer certain mortgages. RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized and directed, with the concurrence of the attorney general of this state, to execute and deliver deeds of conveyance for all and singular the said premises, with their appurtenances, for such prices as he may be able to obtain for the same; *provided*, such price, in each case, reimburse the state the whole cost, interest, and expenses paid or incurred in the purchase, as aforesaid, of said premises, respectively, by said treasurer.

Approved March 4, 1847.

Authorizing repairs to be made on state arsenal.

Repairs to state arsenal authorized. RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster general be authorized to cause the roof of the state arsenal to be repaired, and to draw on the treasurer for the amount expended in said repairs; *provided*, the cost thereof does not exceed the sum of two hundred dollars.

Approved March 4, 1847.

Authorizing the transfer, by the treasurer, of certain bonds and mortgages to the trustees of the school fund.

Treasurer authorized to transfer certain mortgages. RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby autho-

rized to assign and transfer the bonds and mortgages heretofore received by him, as part of the consideration for the government lot, upon which securities there is due the sum of nine thousand two hundred and fifty-three dollars and thirty-four cents, to the trustees for the support of free schools; and that the principal due as aforesaid, when said bonds and mortgages shall have been transferred, shall be held and disbursed in like manner as are other funds belonging to the state.

Approved March 4, 1847.

Relative to the journals of the two houses.

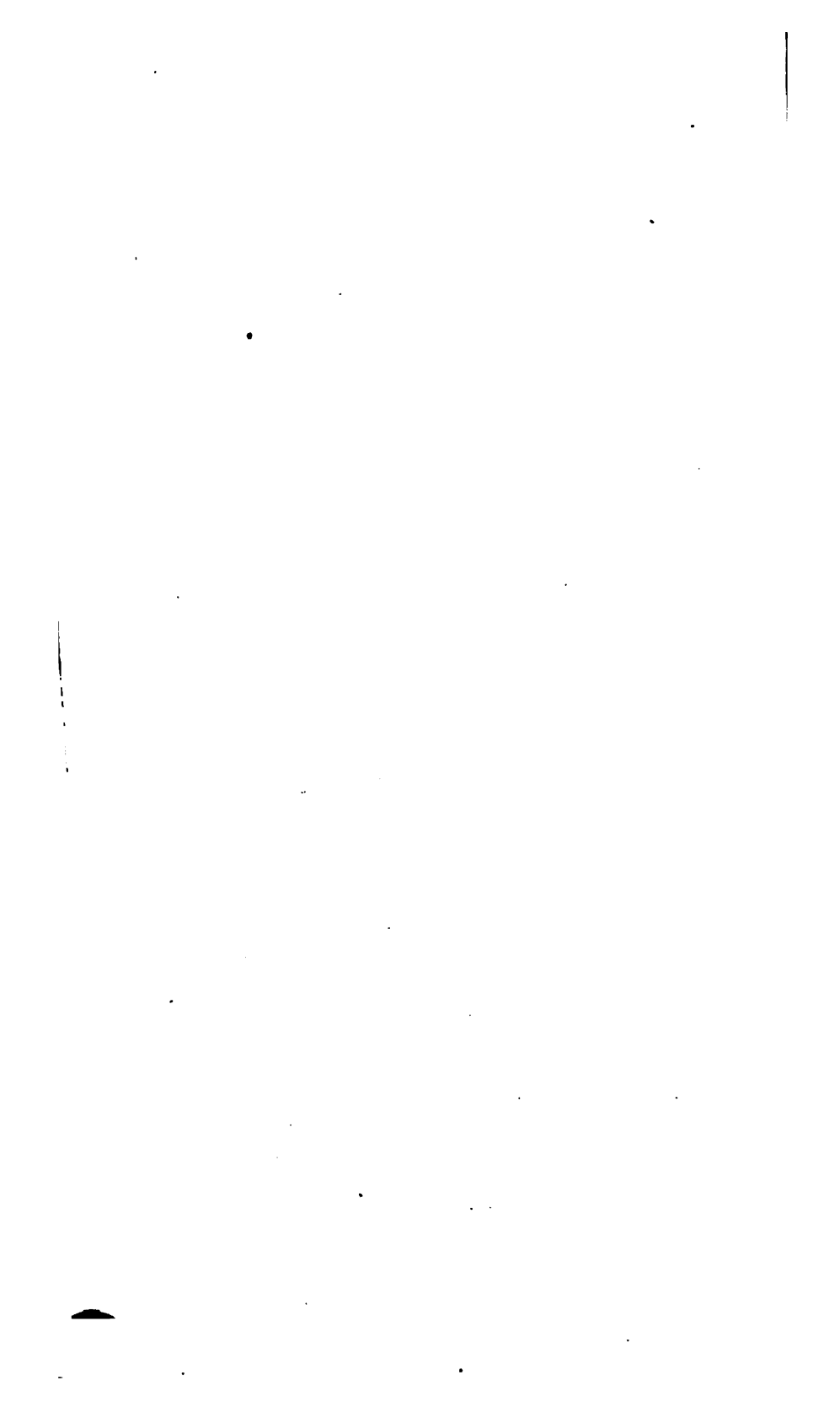
RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the House of Assembly and the secretary of the Senate be authorized to employ some suitable person to prepare a copy of their respective journals, as required by the third section of the act entitled, "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and of the laws of the United States," approved April sixteenth, eighteen hundred and forty-six; and that they be paid therefor eight cents per sheet, each, upon a warrant to be produced to the treasurer, signed by the speaker of the House of Assembly for the clerk of the House of Assembly, and by the president of the Senate for the secretary of the Senate. Copies of journals to be prepared

Approved March 5, 1847.

Authorizing the treasurer to borrow money.

RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he hereby is authorized to borrow, from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding forty thousand dollars, at a rate of interest not exceeding six per cent per annum. Treasurer authorized to borrow money.

Approved March 5, 1847.



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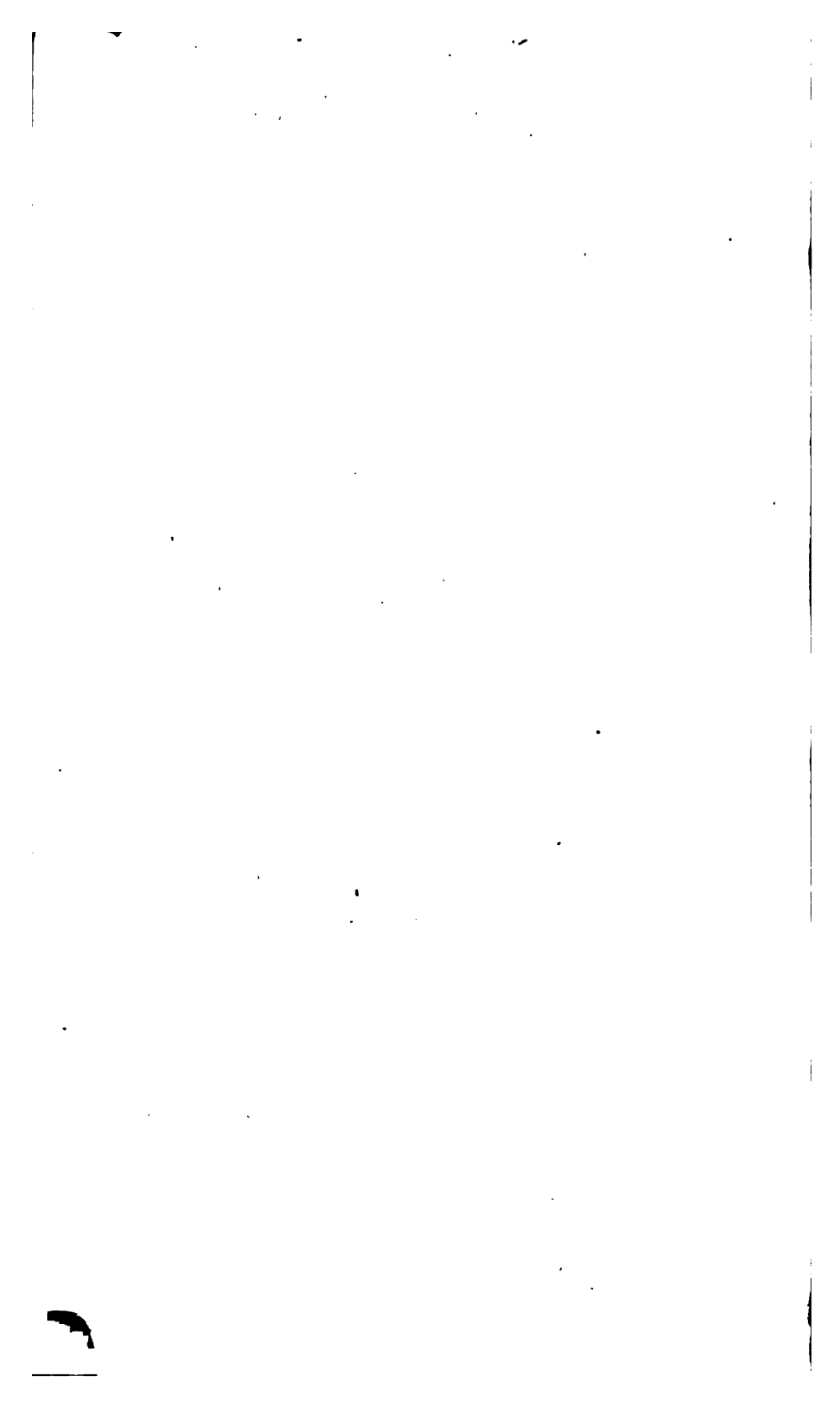
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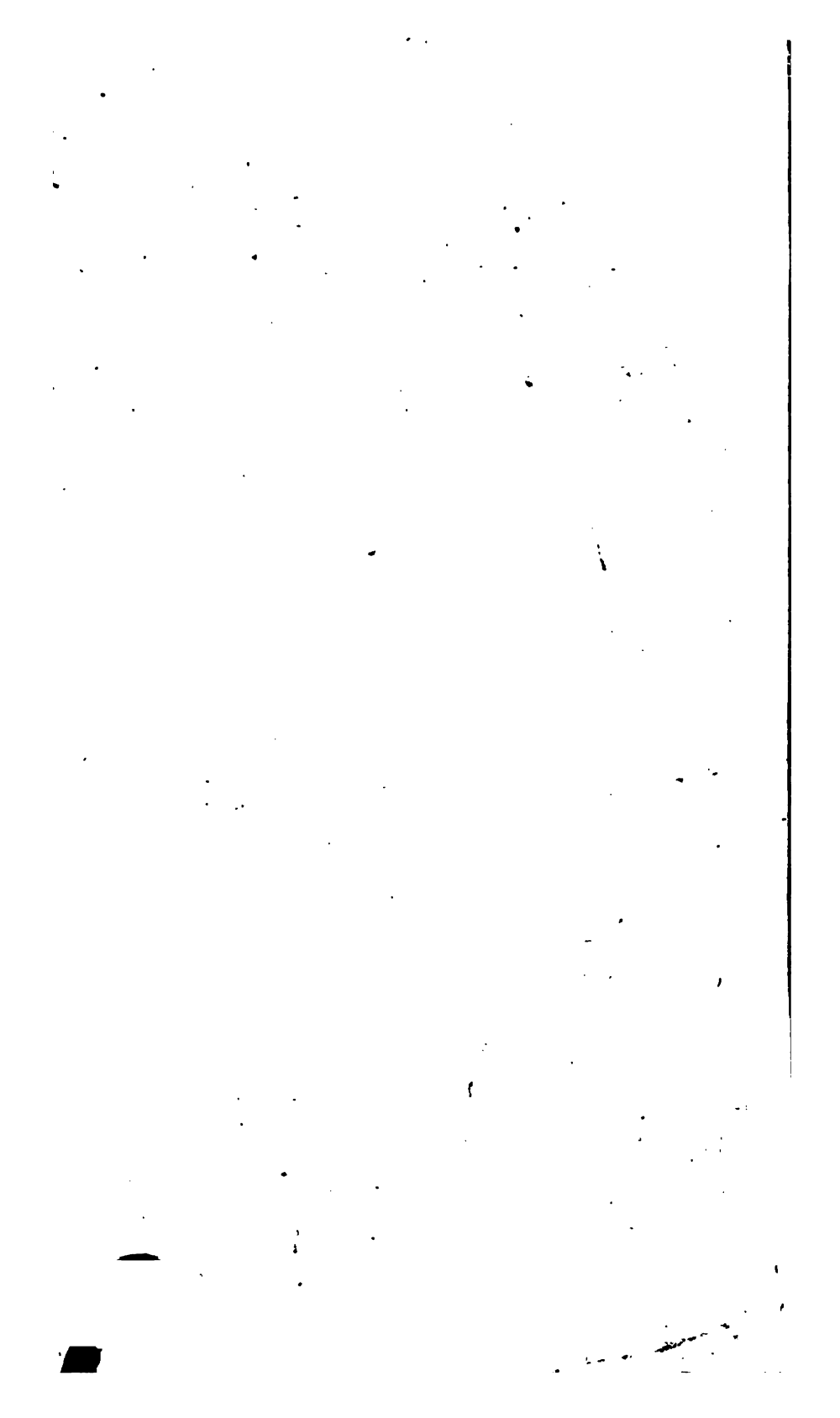
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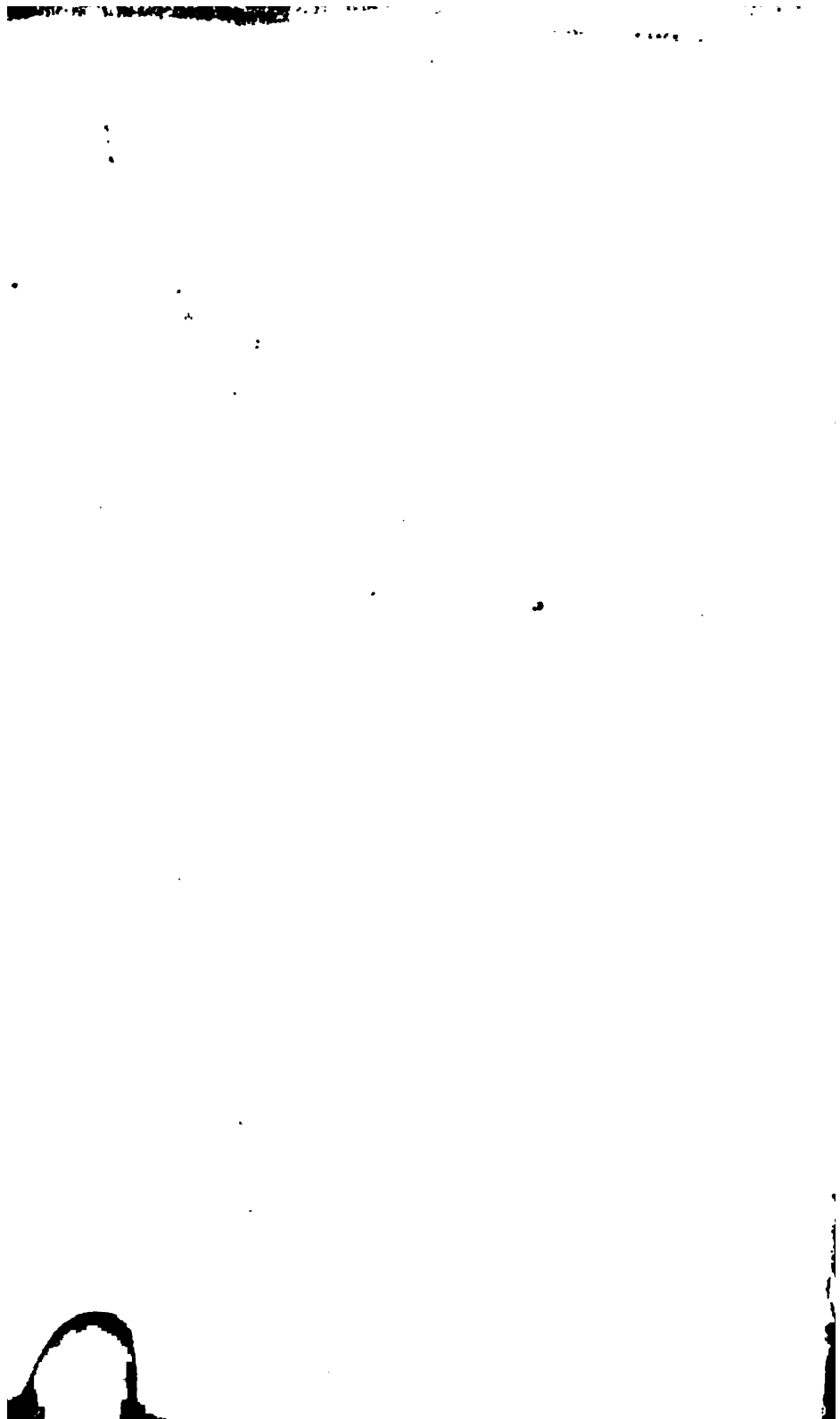
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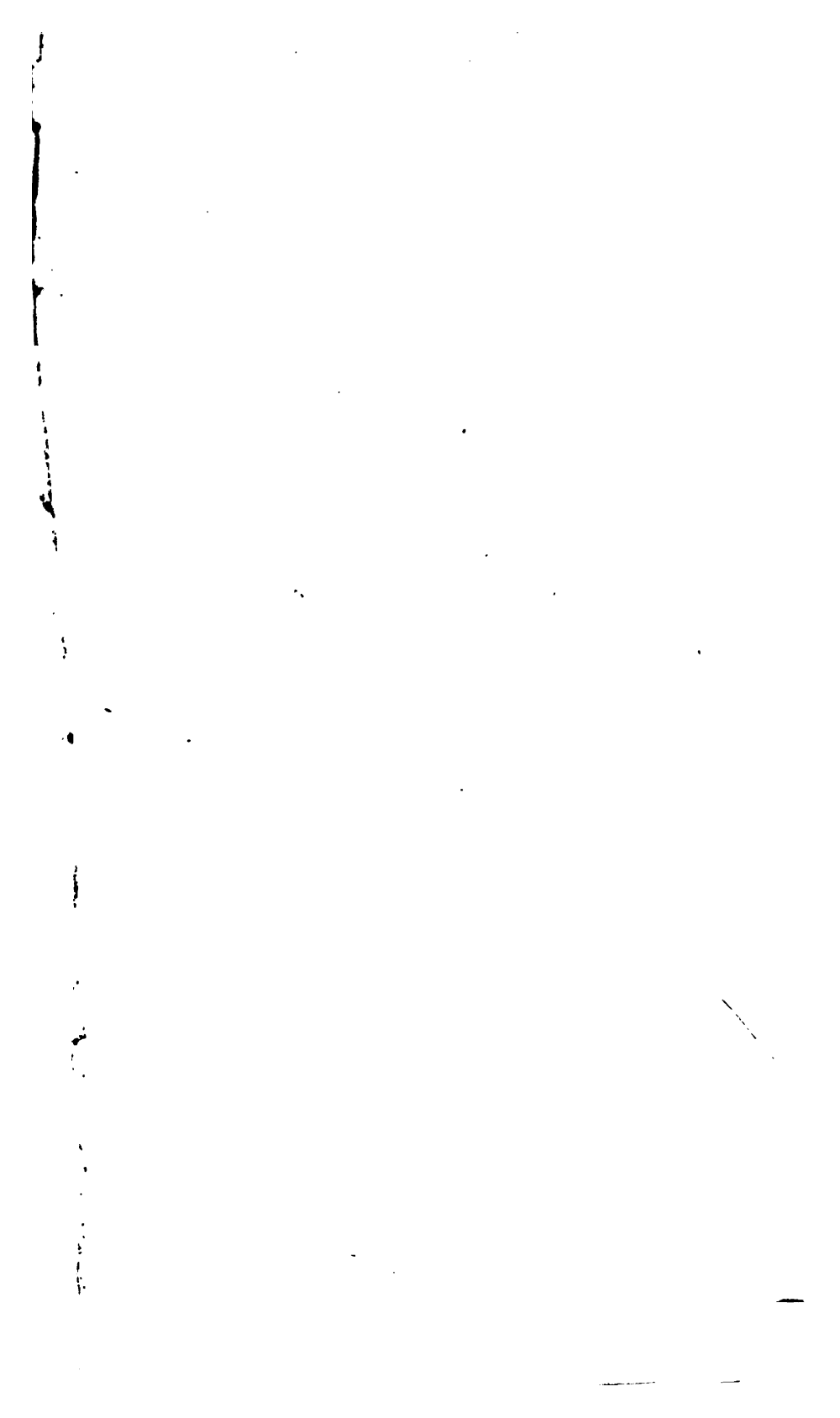
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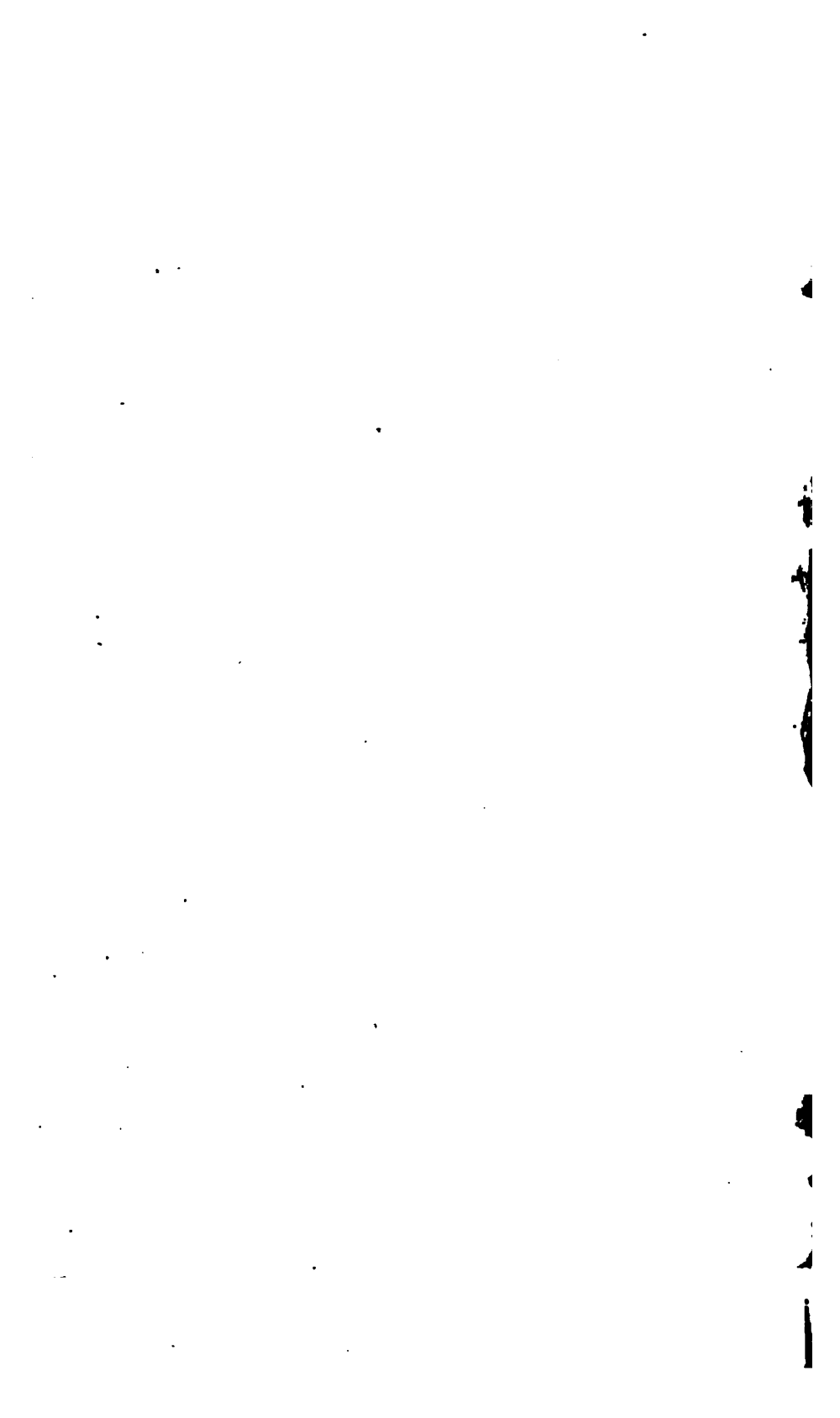
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